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**NOTES FROM MY JOURNAL**  
**WHEN SPEAKER OF THE HOUSE OF COMMONS**



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The Duchess of Devonshire

J. H. W. Mason

**NOTES**  
**FROM MY JOURNAL**  
1859 **WHEN SPEAKER OF**  
**THE HOUSE OF COMMONS**

**BY THE LATE**  
**RIGHT HON. JOHN EVELYN DENISON**  
**VISCOUNT OSSINGTON**

**WITH PORTRAITS**

**LONDON**  
**JOHN MURRAY, ALBEMARLE STREET**

**1900**

**£PB**



## PREFACE TO THE PUBLISHED EDITION.

WHEN the Diary of John Evelyn Denison was printed some months ago there was no idea or intention that it would ever be published. It was printed for private circulation as it was thought that it would be interesting to those among his friends who still survive ; and also to those who were members of the House of Commons during the time that he was Speaker, and could themselves recall the incidents and events that took place during that period.

The reception, however, which the book has met with among those who have seen and read it, and they include most of those whose acquaintance with the subjects recorded in it render them the best judges of its merits, has been far more favourable than was anticipated.

Although more than a quarter of a century has elapsed since Speaker Denison retired from the Chair, his narrative is considered to contain information valuable in the present day, and to be a record of Parliamentary History worthy of preservation, and likely to be acceptable to a wider circle of readers than those connected with him by ties of relationship or of personal friendship.

For these reasons it has been decided to publish the Journal, so that it may be accessible to all those who care to study a faithful record of the work of the House of Commons in a past generation. Such a record serves to mark the change which has taken place, not only in the *personnel* of the House but in its procedure, within the memory of many members now living.

LOUISA EVELYN DENISON.

## P R E F A C E.

THE following journal was kept by the Right Hon. John Evelyn Denison during the fifteen years that he held the office of Speaker of the House of Commons, from 1857 until the commencement of the Session of 1872, when age and ill-health compelled him to resign—too late indeed as regarded his own welfare, for the long-deferred rest did not restore his overtaxed strength, and he died on the 7th of March in the following year.

The journal was found in a box many years later, and without any directions as to what was to be done with it. Its technicality would debar it from being of general interest, but it is thought to possess a sufficient amount of historical value for those who are intimately connected with the House of Commons to justify a few copies being printed

for private circulation. There is indeed no evidence to indicate whether the Speaker wrote his journal for his own use or for the information of others, and possibly in the rapidly-succeeding interests and excitements of the events of the present day, few may care to go back to the details of what went on in the House of Commons in the fifties and sixties; still there are always some who take as much interest in the past as in the present, and these may like to read the comments of Speaker Denison on what was occurring day by day under his own eyes. He was a large-minded and cultivated man, whose long experience of the House of Commons previous to his election as Speaker, gives importance to the facts that arrested his attention and that he considered worth noting down in the journal.

John Evelyn Denison began life with the present century, having been born on 27th January, 1800. He was the eldest of the nine sons of John Denison,

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Esq., of Ossington, in the county of Nottinghamshire, his mother being the daughter of Samuel Estwicke, Esq. He was educated at Eton and Oxford, and his father dying in 1820, he succeeded to the Ossington property directly he came of age. At a time of life when many young men of fortune and position devote all their energies to pleasures and sport, he did not shrink from fulfilling all the duties that devolved upon him as head of his family and as landlord of his property. This line of conduct no doubt had a great effect in forming his own character and causing him to acquire the qualities of tact, discrimination and justice so essential to a Speaker of the House of Commons.

He entered Parliament for the first time in 1823 as member for Newcastle-under-Lyme. In politics he belonged to the Whig party, which, at that time, numbered so many distinguished men in its ranks. From 1826 to 1830 he represented Hastings, and during a portion of that Parliament held office as one of the Junior Lords of the Admiralty under Mr. Canning. In 1827 he married Lady Charlotte

Cavendish Bentinck, third daughter of William, fourth Duke of Portland. In the Parliament of 1831-32 he sat for Nottinghamshire, and after the severance of the county into north and south by the first Reform Bill he represented the southern division down to the general election when he retired. He sat for the borough of Malton from 1841 down to 1857, when he was chosen for the northern division of Nottinghamshire, which constituency he continued to represent until his retirement from the Lower House of Parliament in 1872, and his elevation to the peerage with the title of Viscount Ossington.

The following paragraph, published in *The Times* newspaper of 8th March, 1873, gives a fair idea of the public estimation of his character and of his services to the House of Commons :—

“Absolute identification with his duty was the special characteristic of the late Lord Ossington as Speaker of the House of Commons. One among his predecessors may have possessed more tact; another, a more close acquaintance with

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precedents ; but not one was more infused with the spirit of his high position, or more animated by the traditionary instincts of the first Commoner of the realm ; and it was this which endowed him with the best qualification for his task. As the House of Commons is the home where the English nature exhibits itself with the most absolute reality, so Speaker Denison was the clear unsullied mirror of that simple nobleness which we think Englishmen may claim as the ideal of our national character. Hence it was that he so exactly appreciated the feeling and disposition of the assembly over which he was called on to preside, the sources to which he could look for aid, and the exact limits and sphere of his authority. Tradition binds the Commons together with an amazing strength, and no one regarded with more reverence that 'well-ordered inheritance,' the Speaker's Chair. He knew also that English gentlemen possessed, as he did, an unusual aptitude to conform to the spirit of traditionary law. He knew that hence he could rely for support on all who sat around him.

“On the occasions which called for his active interposition with the House we do not care to dwell. The guiding touch of the presiding hand is not most truly felt in calls to order or sonorous decisions, but in the silent influence of personal character and in quiet suggestions of temperate advice, by smoothing away difficulties rather than in repressing discord, and the assertion and defence of the rights and privileges of the Lower House, even if ever needed now, is rarely called for in public. Speaker Denison, however, was justly thanked for his manly vindication of those rights when needed, especially when he denounced, in energetic language, a practice by which the Lords indirectly infringed on that special function of the Commons, the grant of money, ‘as calculated to break down the broad line of distinction between the duties and powers of the two Houses’. The thought of one who did not ‘toil for title, place, or touch of pension,’ but who for fifteen years devoted himself to uphold our parliamentary system for its own sake, puts out of sight the monotonous fatigue

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of his official life. He said himself that his career had been one of happiness, and this may well have been the case, for having presided in the Chair during Sessions unexampled for severity of labour, and during many critical emergencies, he knew that 'he transmitted to his successor the well-ordered inheritance' he had himself received 'unimpaired, and perhaps in some points strengthened'."

Such are the main facts of his parliamentary career, and in this brief explanatory preface to the journal it seems needless to make mention of the other occupations of his busy and useful life; it may not, however, be out of place to say that the Commentary on the Bible generally known as "The Speaker's Commentary" was originated and carried out at his instigation. He was so impressed with the necessity that existed for an explanation of the Bible more in accordance with the spirit of the times, and the scientific knowledge acquired during the present century, that he induced the Archbishops and Bishops, in conjunction with the most learned Biblical students and critics, to undertake

the preparation of a new commentary on both the Old and New Testament Scriptures. It was a work that occupied many years, and he did not live to see it completed, but it was brought to a conclusion a few years after his death, and although since that time other works of the same kind have been published, the "Speaker's Commentary" is still recognised as a valuable book of reference, and the pioneer of a host of volumes of Biblical Criticism.

In this journal there are hardly any entries made during the last year of Speaker Denison's tenure of office, and it ends quite abruptly. Possibly had he lived he might have added something, but in the absence of any explanatory notes or letters it is thought best to print it exactly as he left it.

LOUISA EVELYN DENISON.

*March, 1899.*

## NOTES FROM MY JOURNAL.

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I WAS sitting in my library at Ossington on the morning of 8th April, 1857, when the letters were brought in, and

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### ERRATA.

- P. 4, line 9 from bottom, *for* It had been the practice to do this, etc., *read* It had not been the practice.
- P. 43, line 2 from bottom, *for* meeting at the Nore *read* mutiny at the Nore.
- P. 78, line 12 from bottom, *for* Chief Justice Earle *read* Chief Justice Erle.
- P. 101, line 2 from bottom, *for* Swansea and Meath *read* Swansea and Neath.
- P. 113, line 14, *for* Edward Smith *read* Edwin James.
- P. 163, line 5, *for* Statute of Amnesty *read* Statute of Anne.
- P. 167, line 5 from bottom, *for* second time *read* third time.
- P. 172, line 9, *for* Under the circumstances *read* Under other circumstances.
- P. 217, line 14, *for* Abyssinian War—£2000 voted *read* £2,000,000.
- P. 228, line 9 from bottom, *for* Disraeli *read* B. Disraeli.
- P. 258, last line, *for* imperavit *read* imperasset.
- P. 259, line 2, *for* imperisti *read* imperasti.

friends and to the Liberal party if I did not accept the proposal. It was understood there would be no opposition to my election, but that there would be to that of any of the other candidates who had been talked of. This was confirmed by others in the course of the evening, and I wrote to Lord Palmerston to accept the offer.

*22nd April.*—Mr. Hayter sent me Lord John Russell's answer to his circular.

"I shall be most happy to attend on the 30th to support Mr. Evelyn Denison as a man eminently qualified to fill the office of Speaker.

"I remain,

"Yours truly,

"J. RUSSELL."

I was chosen Speaker on 30th April, 1857, unanimously, and therefore without a vote—chosen, not elected. I was proposed by Lord Harry Vane and seconded by Mr. Thornley. Confirmed by Royal Commissioners, 1st May. Sworn into the Privy Council.

Lord Eversley was very kind and obliging in giving me the fruits of his long experience. I said to him one day: "I fear I shall be often at a loss. Is there any one whom I could call to my aid to assist me with advice?" He answered: "No one; you must learn to rely entirely upon yourself". And I found this to be very true. Sometimes a friend would hasten to the Chair and offer advice. I must say, it was for the most part lucky that I did not follow the advice. I spent the first few years of my

Speakership like the captain of a steamer on the Thames, standing on the paddle-box, ever on the look-out for shocks and collisions. The House is always kind and indulgent, but it expects its Speaker to be right. If he should be found often tripping, his authority would soon be at an end. I used to study the business of the day carefully every morning, and consider what questions could arise upon it. Upon these questions I prepared myself by referring to the rules, or, if needful, to precedents ; in doing this I had the great advantage of the accurate knowledge and excellent judgment of Sir T. E. May, to whom I am under obligations that it would be difficult duly to estimate.

*18th May, 1857.*—Message from the Crown about the marriage of the Princess Royal. It was done all wrong. Lord Palmerston went to the Bar and read the message at the Bar. He ought to have brought it up to the table. The Speaker reads the message to the House, and at the words *Victoria Regina* all members uncover.

*Wednesday, 20th May.*—Mr. Bland on the third Order of the day, and on the motion that the Speaker do leave the Chair, proposed to move as an amendment : "That the Speaker do leave the Chair after the seventh Order of the day". I told him he could not make such a motion. The Orders of the day must be taken in the order in which they stand, and must be disposed of each in its turn.

*11th June.*—Mr. Wilson, Secretary of the Treasury, gave notice in the House that in the Committee on the Civil

Service Estimates in Committee of Supply he should desire, for the convenience of members, to make a statement showing the cause of the large increase of these estimates.

Sir H. Willoughby rose and appealed to me whether the Secretary of the Treasury would be in order in taking such a course. I answered that in making a statement for the convenience of members, and the information of causes which led to a large increase of the estimates, and which had reference to many items of those estimates, I thought the hon. member would not be out of order.

*12th June.*—This answer of mine has led to a good deal of discussion. Mr. Fitzroy at first concurred, then doubted. Mr. Roebuck doubted; Sir J. Graham encouraged his doubts. Lord Eversley agreed with me that my answer was right; Sir G. Grey and Sir C. Wood, Chancellor of the Exchequer, concurred.

In going into the Army Estimates, the Minister makes a general statement as to the army expenditure. Why should not the same course be pursued in going into the Civil Service Estimates? It had been the practice to do this, because the Civil Service Estimates formed each item almost a distinct subject of itself. But if the Secretary of the Treasury had any information to give, which threw light on many points of these estimates, to say that he would be out of order in communicating such information to the House would seem to strain or straighten the rules of order, and make them quite conflict with public convenience. Mr. Disraeli quite agreed with me; only he

went further, and said : " In my opinion, not only would the Minister be in order in doing it, but he would be wrong not to do it. The position as to the army and navy had been of this sort because they were great subjects, and as to the Civil Service Estimates, it had not been of this sort because they were small subjects. Now the Civil Service Estimates have grown into great magnitude and importance, and they ought to be opened by an explanation from the responsible Minister." Then it was contended that it would be a more proper course for Mr. Wilson to make his statement before I left the Chair. There were several objections to this. The House had referred the estimates to the Committee of Supply ; it had passed them out of its own hands. It would not anticipate the Committee by a discussion in the House.

*The Princess Royal's Annuity.*

Committee on Queen's Message.

Query : Could a resolution be moved directing the Committee not to grant an annuity, but to grant a lump sum ?

The House had already ordered the whole subject of the Queen's Message to be referred to the Committee ; no precedent in the journals of a resolution restricting and restraining the powers of a Committee of the whole House.

*6th July.*—Mr. E. Ellice made a speech commenting severely on the Lunacy Commissioners for Scotland. Sir John Macneill sent to Sir G. Grey a paper in answer to their allegations, calling it "Statement of the Board of

Supervision". Sir G. Grey sent this statement to me, asking whether it could be laid before the House. Sir J. Macneill commented directly on Mr. Ellice's speech, referring to him by name. Mr. Ellice is reported to have said so and so. I wrote in answer :—

"HOUSE OF COMMONS,

"6th July, 1857.

"DEAR SIR G. GREY, .

"It would be quite contrary to rule for the House to receive a document drawn up in such a form as that in which the Statement of the Board of Supervision is drawn up. The House does not receive a petition which refers to a debate which has taken place within its walls, much less could it receive a paper written in answer to a speech of an individual member constantly referred to by name as long as this privilege of Parliament is preserved. It would be difficult to invade it in a more direct manner.

"Yours,

"J. E. D.

"*Note.*—A case in point. Rajah Brooke sent a long reply to a statement made in the House of Commons by the House. Lord John Russell agreed that it would not be presented to the House or printed by the House."

6th August, 1857.—Question put to me in private by Lord John Russell on the occasion of his Committee about the oaths. And all gentlemen of the long robe. What did that term imply? All barristers, or only practising barristers?

There is no definition found in the journals. On 20th December, 1847, Committee of Privileges appointed "all knights of the shire, gentlemen of the long robe, and merchants".

Mr. Tancred and Mr. Hayter attended; both had long ceased to practise, but they were Queen's Counsel. I wrote to Lord John and told him this, and added that perhaps the best definition would be that all who were entitled by the usage of the profession to hold a brief should be entitled to attend.

*Huntingdon Election Committee.*

Committee appointed—Came to the Table to be sworn Sir E. Dering did not appear—Discussion—Speaker read a letter from Sir E. Dering saying his health would not stand it—Sir E. Dering appeared and spoke himself—Lord Lathom called in, and confirmed Sir E. Dering's statement—Motion made: "That it appeared to this House cause has been shown why the attendance of Sir E. Dering should be dispensed with".

23rd May.—Lord Claude Hamilton on the motion "That the House on its rising do adjourn to Monday next," spoke on the subject of torture in India.

In the early part of the evening Mr. Owen Stanley had asked a question, and I had interfered on his proceeding to reason about it. Mr. Owen Stanley rose now to order, and said he had been stopped in asking a question. Why should Lord Claude be allowed to go on? I pointed out the

difference of the case, and said Lord Claude was not out of order. When Lord Claude rose again, Mr. Owen Stanley rose also. I was obliged to make them both sit down, and then said Lord Claude was entitled to continue his address. Lord Claude rose, and again Mr. Owen Stanley rose. Again I had to get up, and to make both sit down, and then I called on Lord Claude. At last Mr. Owen Stanley gave way. Later in the evening he made a handsome and complete apology.

I have since spoken to him, and I have pointed out that he was quite out of order in attempting to speak a second time—he had spoken once to order, but he could no more speak twice on that subject than on any other—and again, when I had once ruled that Lord Claude was entitled to proceed, he ought by no means to have offered himself to the House. He quite saw both of these points.

*Friday, 24th July.*—On the Order of the day being read for the second reading of the Divorce Bill, Mr. Henley rose and moved: "That the said order be postponed for a week". This was certainly an irregular course, and out of order; it was brought about by the extreme tardiness of movement of the Attorney-General, Sir R. Bethell. The Attorney-General should have got up, and the Bill, being in his charge, should have moved the second reading, and would have been entitled to precedence. Then Mr. Henley must have moved his amendment on the second reading of the Bill, and not as he did on reading the order for the second reading.

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*Note.*—I have never allowed such an irregularity again to take place.

*13th August.*—Bill for fixing salary of Scotch schoolmasters. This Bill brought down from the Lords almost all in red ink. But the preamble and everything about it pointed it out as a Bill which should have originated in the House of Commons. Objection being taken by Mr. Crawford of Ayr, I told the Lord Advocate the Bill could not properly be proceeded with. Bill withdrawn, and a new Bill brought in in the House of Commons.

*14th August.*—On Appropriation Bill Mr. Conolly disputed a ruling of Mr. Fitzroy's in the Committee, and said he should appeal to the Speaker. I told him in private that the Chairman of Committee decides points of order in the Committee, and no appeal of an individual member lies to the Speaker from the decision of the Chairman. The only appeal is from the Committee itself, when the Chairman is directed to report to the Speaker any question of order which may have arisen. The matter stopped there.

### *Mersey Conservancy.*

A clause inserted in the Lords, invading privilege of the House of Commons. Bill put off for three months in the Lords. Committee of House of Commons appointed to search journal of Lords. Leave asked to bring in a Bill in House of Commons and to pass it through all its stages. Leave given; but in the evening Sir J. Graham reported

that there was some opposition, and that a petition had been presented against the Bill. Matter debated in the House—Agreed at last to read the Bill first and second time, and to refer it to a Select Committee, but with the understanding, if it was opposed, and changes were sought, that the Bill should be given up.

### SESSION 1858.

*6th February.*—Address voted—*nemine contradicente*—to the Queen, Friday, 5th February, to be presented by the whole House—House met at two o'clock on Saturday (6th)—Chancellor of the Exchequer signified Queen's pleasure to receive the Address that day at three. I went in gold gown, and—as the Court was in mourning, without ruffles—black buckles and bands.

When I got to my room on my way to the House, I asked for the copy of the Address I was to read to the Queen. They put into my hand a paper beginning: "Resolved, *nemine contradicente*". I said: "I cannot take up such a thing as this to the Queen; we have voted an Address to be presented by the whole House; I must present an Address, and not a resolution that an Address should be presented".

The officers of the House assured me it was all right. At that moment Lord Eversley appeared, having come down to see me before I for the first time enacted this part. He recommended an Address, and I had the words altered into the form of an Address, beginning: "Most

Gracious Sovereign, we your Majesty's dutiful and loyal subjects . . ."

I read the Address in this form to the Queen, and presented it, kneeling on the right knee, to the Queen on the throne. The Queen read her answer, which, again kneeling on the right knee, I received.

On coming downstairs I met the Lord Chancellor, who came up to me and said: "What have you presented to the Queen?" I answered "An Address," and in what form it had been drawn up. The Lord Chancellor said: "What a horrible blunder I have made; I am sure the form of my resolution was not correct. I began: 'May it please your Majesty—Resolved, *nemine contradicente*.'" I condoled with the Lord Chancellor.

On Friday, 19th February, 1858, the first Order of the day was:—

*Conspiracy to Murder Bill—Second Reading.*

Mr. Milner Gibson gave notice of an amendment—To move: "That this House hears with much concern that it is alleged that recent attempts on the life of the Emperor of the French have been devised in England, and expresses its detestation of such guilty enterprises. That this House is ready at all times to assist in remedying any defects in the Criminal Law which, after due investigation, are proved to exist, yet it cannot but regret that Her Majesty's Government, previously to inviting the House to amend the law of conspiracy by the second reading of the Bill at the present time, have not felt it to be their duty to make some

reply to the important despatch received from the French Government, dated Paris, 20th January, 1858, and which has been laid before Parliament." We considered this amendment in the morning, and thought it came within the practice of the House. Ten minutes before the Orders of the day were to be read, Mr. H. Fitzroy asked me if I thought the resolution could be moved; he considered it irregular. Lord Eversley came under the gallery; Mr. H. Fitzroy went to him and asked him his opinion. He said the amendment was out of order, the matter was not relevant to the Bill, and he thought it should be stopped. He has said since that he would have tried to stop it, and that he would not have put it.

I had only a few minutes to consider this new difficulty, but I decided that I would stand on my decision of the morning, and that, if I was appealed to, I should decide the matter of the resolution was relevant to the Bill.

No appeal was made to me. The resolution was moved; I put it from the Chair. It was carried as an amendment, and afterwards was adopted and passed as the main question.

By the carrying of this resolution Lord Palmerston's Government was destroyed. The importance of the result caused everything relating to the question to be much discussed, and this point of order was closely canvassed.

I put the question in this form: "The practice of the House is, that on the second reading of a Bill, a resolution may be moved which is relevant to the subject-matter of the Bill".

The question is : " Was the subject-matter of Mr. Milner Gibson's resolution relevant to the Bill ? "

The resolution referred to a despatch from the French Government which had been laid on the Table of the House, and it was on the subject of conspiracy to murder. It had been considered throughout the debate that the Bill bore relation to that despatch. The Bill had indeed been called an answer to that despatch ; it had been said by the Minister who introduced the Bill that an answer given in this substantial form was preferable to an answer made in words. I do not think it can be held that a resolution referring to that despatch could be held to be not relevant to the Bill.

Lord Eversley, with whom I talked the matter over the next day, held that the resolution was not relevant—and he reasoned in this way : " What is the Bill ? To amend the law of conspiracy to murder, and you cannot wander off to a despatch from France, and the fact of that despatch not having been answered ; you must put out of view all that occurs in debate, you must confine yourself to the consideration of how the matter will stand in the journals. In the journals there will be no connection apparent between the conspiracy to murder and the French despatch. But the resolution distinctly states that the despatch has been laid before Parliament, so the connection between the measures is pointed out in the journals."

I have had diligent search made through the journals for precedents as to resolutions, to see what interpretation the House of Commons had put on the word relevant.

Precedents have been found which show that Lord Eversley's practice was quite opposed to the principle which he now lays down ; he has put resolutions from the Chair quite irrelevant to the subject-matter of the Bills on which they were moved.

It appears certain, according to precedents, that I should have been in no way justified in interfering from the Chair to stop the resolution, no objection having been raised in the House. Indeed, if the objection had been taken, I should have had to decide that the resolution in point of relevancy came within the limits admitted by the House of late years.

*2nd March.*—Sir George Grey does not seem to contest the point of relevancy ; he rests his objection on the point of form : that the resolution did not propose absolutely to postpone the second reading of the Bill till after the despatch was answered, but only did so by inference, by expressing regret that it had not been done. He seemed to think if Mr. Milner Gibson had said that they declined to read the Bill a second time till the despatch had been answered, then there would have been no objection to the resolution either in substance or form.

This altered the ground of objection.

"I regret that you should ask me to read the Bill a second time, before you have answered the despatch," is not certainly the same thing as saying "I decline to read the Bill a second time till you have answered the despatch".

But to this point the difference between us is narrowed,

and by this slight alteration in the wording, according to Sir George Grey, the resolution would have been put quite into form.

*As to Relevancy.*

Under what circumstances was the Conspiracy to Murder Bill brought in ?

A great crime had been committed in France, the perpetrators of the crime having gone from England, and the engines of destruction having been manufactured in England. This caused the Government to turn their attention to the state of the law regarding the crime of conspiracy to murder. A despatch was laid on the table of the House from the French Government relating to this crime, and referring to the state of the law in England.

No answer had been given to that despatch. The Minister who introduced the Bill pointed out in what respects the provisions of the Bill were opposed to the references in the despatch, and in what respects they conformed to them, a close connection being in this way established between the despatch and the Bill. The Bill, indeed, was called an answer to the despatch. It was said : " It is better to reply to the despatch by action than by words ".

It would be difficult to demonstrate that a reference to that despatch was not relevant to the subject-matter of the Bill.

On searching the journals for the last eighteen years it turns out that no less than forty-eight resolutions have been

moved on third readings and various stages of Bills: so much for the informality of allowing a resolution to be moved on a Bill. As to the character of these resolutions, the most striking and startling was the resolution moved by Mr. Urquhart on the Ecclesiastical Titles Bill; one resolution only appears in the journals:—

1. "That the recent Act of the Pope in dividing England into dioceses and appointing bishops thereto was encouraged by the conduct and declarations of Her Majesty's Government".

This resolution staggered Lord Eversley, but he said there was a series of resolutions; one only was put, but the latter resolutions would have explained the relevancy of the first. On searching the votes it turns out that there were only two resolutions, the second of which was as follows:—

2. "That the publication by Lord John Russell of his letter to the Bishop of Durham, which contained expressions calculated to wound the religious feelings of many of Her Majesty's subjects, produced large expectations of legislative remedies which have been disappointed by the provisions contained in the measure now submitted to the House". This second resolution in no way mends the defects of the first, but it is itself irregular, for it refers to a letter of Lord John Russell which appeared in the newspapers, but which was never laid before Parliament. Each of these resolutions conveyed a censure on the Government upon distinct grounds. The first for acts of the Government alleged to have been done before the papal aggression, the second for

acts of Lord John Russell after the papal aggression. The letter of Lord John's was merely published in the newspapers, and was not laid before Parliament.

In moving these resolutions, Mr. Urquhart said the resolutions which he had to submit to the consideration of the House contained no enunciation of principles, no conclusions to be arrived at by a series of deductions. They were only and simply descriptive of the acts of the Government. They embodied a modest expression of facts which were in themselves a vote of censure on the Government. No one raised any objection to the form or to the substance of these resolutions. Mr. Shaw Lefevre accepted them and proceeded to put them from the Chair. As the first was negatived, and the words proposed to be left out stood part of the question, the second could not be put.

Mr. Gladstone suggested in conversation with me that the practice of moving resolutions on stages of Bills had probably grown up of late years in some degree from the circumstance that members had been prevented by the new regulations about Orders of the day from having that opportunity of expressing their opinions and wishes. There is generally a good reason for the acts done in the House of Commons. Mr. Gladstone considered that for members to be confined to a single Aye or No on the stages of a Bill would be intolerable. It appears by reference to the Committee of the Public Business which sat in 1837, that one-third of the Order days had been taken up by motions. They proposed to limit the power of members to make motions on reading the Order of the day. (This has since

been made more stringent.) But it was held then that it would be considered disorderly on the question: "That this Bill be read a second or third time," "That I now leave the Chair," to interpose any question not strictly relating to the Bill which the House by its Order has resolved upon considering. So no change was made as to the rule to be pursued in these stages.

Mr. Gladstone, Mr. James Graham, Mr. Cardwell, Lord John Russell, Mr. Walpole, Mr. Disraeli, all held that Mr Milner Gibson's resolution was in order, and thought if I had attempted to stop it on a point of form, that I should have given much offence, and should have done much to weaken my authority with the House.

### *Report of Supply.*

12th April, 1858.—Lord John Russell asked me whether he could raise a question on Report of Supply in the same way as on going into Committee of Supply. I answered yes, if he did it at the right time, that is, on the motion that these resolutions be read a second time. If he let that stage pass till the question that the House do agree with the Committee in the said resolution, then he ought to confine himself to matter relevant to the subject-matter of the resolution. It happened rather singularly that on the following day I met Lord Eversley and asked him if he concurred in this view. He said: "No, certainly not. It should be on the question that these resolutions be read a first time, for after the first reading you are on the subject-

matter of the resolution." On coming down to the House, however, Lord Eversley changed his mind. He has agreed: That the Clerk should read the resolution a first time as a matter of course, and on the question that these resolutions should be read a second time, that any observations should be made.

*Galway Disfranchisement Bill.*

*Tuesday, 20th April, 1858.*—Colonel French had a notice that, on the question of the Speaker's leaving the Chair, he should move: The House should resolve itself into the said Committee this day six months. Mr. Walpole wished to move an instruction to the Committee. I gave him precedence, and told him to get up and move his instruction on reading the Order of the day, which he did. On putting the instruction to the vote I said, before putting the question, I desired to explain to the gallant member that, although he had given notice of his motion, the Secretary of State had properly precedence of his motion. An instruction was not of the nature of an amendment; it was a distinct motion. It properly preceded the question: That the Speaker do leave the Chair. On that question Colonel French could move his amendment whether the House accepted or rejected the instruction; but if the opposite course had been pursued and the amendment had been rejected, then the words, "I do leave the Chair," would stand part of the question, and the instruction could not be moved.

*Church Rates.*

*Wednesday, 21st April.*—Mr. Packe moved as an amendment to my leaving the Chair, that the House should resolve itself into a Committee on this day six months. He then wanted to withdraw his motion, but there was a loud cry of "No," so it was put and negatived without a division. Mr. Puller had a motion. If Mr. Packe's motion had been by consent withdrawn, it was the intention that Mr. Puller's motion should be put. There was a good deal of difference of opinion about this. Was it not an instruction to the Committee? Should it not have originated in a Committee of the whole House, as it proposed a new burden on the people? The proper answer probably would have been this: The motion if carried would have had this effect. The question for my leaving the Chair would have been superseded for the moment by an amendment expressive of the opinion of the House on a matter relevant to the Bill. It would not have been an instruction to the Committee, because the House was not in a condition to have given such an instruction, not having yet gone through the preliminary form of a Committee of the whole House, which is necessary in order to authorise the imposition of a new tax. If the House had affirmed the motion, it would then have resolved itself into a Committee and have passed a resolution, on which an instruction to the Committee on the Bill could have been passed.

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*Reporting Progress.*

It wanted eight minutes to six when Mr. Fitzroy reported progress after a division, but no day was fixed to sit again—at least this was in doubt. It appeared for the next day in the Orders.

Question : Was it a dropped Order?—No. Because if the Order was made, then it stood rightly ; if it was not made, it stood as business not disposed of, and so under the Standing Orders became an Order for the following day.

*2nd April.*—On the motion that the Speaker do leave the Chair to go into Committee of Supply, Mr. Monsell moved an amendment, and carried it.

Mr. Norris of Abingdon, when the Speaker said, “I think the Noes have it,” called out, “The Ayes have it,” and so forced a division ; but he voted with the Noes. Notice was taken of this. The Speaker called Mr. Norris to the Table and asked him how he had given his voice when the question was put. Mr. Norris answered that he had not given his voice either way, but that he had meant to vote with the Noes, and he called out “the Ayes have it” to force a division ; his vote was not claimed ; the Speaker gave no directions about it, and the numbers were given in, leaving Mr. Norris’ name with the Noes.

*Lords Amendment on Oaths Bill.*

*10th May, 1858.*—That the amendment be read first time, second time. Lord John Russell moved: “That this House

doth *disagree* with the Lords in the said amendment. That a Committee be appointed to draw up reasons to be assigned to the Lords for disagreeing with the Lords in one of their amendments."

Committee named to draw up reasons—Twenty-one names—Mr. Duncombe moved: "That the name of Baron Nathan Lionel de Rothschild be added to the Committee"—Some discussion—Debate adjourned to the next day. The next day the Solicitor-General, Sir Hugh Cairns, gave his reasons why no valid objection could be raised to this motion. He held that the House could order any member to perform any duty connected with his obligations as a member; it was at the peril of the member if he performed these duties without having taken all proper preliminary steps. Also he held that Sir J. Jekyll's precedent was a good one—A division—Majority of fifty that Baron Rothschild be a member of the Committee.

13<sup>th</sup> May.—Lord John Russell appeared at the Bar with the reasons drawn up by Committee. He brought up the report—Read a first time by the Clerk. After which I put the question: "That the reasons be read a second time". Then on each reason, question put: "That the House doth agree with the Committee in the said reason". "That a conference be desired with the Lords upon the subject-matter of the amendment made by their Lordships to the said Bill." "That the Clerk do go to the Lords and desire the said conference."

The postponement of a Bill from one day to another

does not properly invite the discussion of the substance of the Bill itself. That discussion should be reserved for the occasion when the question is : That this Bill be *now* read a second time. Any member who has any observation to make about the day to be fixed would with propriety mention it.

The same reasoning applies to the postponement of the Committee of Supply. The case, however, is stronger, that it should pass as a matter of course, because the Committees of Supply, and Ways and Means, by a Standing Order, are required to be fixed for Monday, Wednesday and Friday.

As to the principle of raising questions on going into Committee of Supply, that is founded on the assumption that grievances should be entertained before money is granted, but no grant of money is asked. It is a mere postponement in formal compliance with the Standing Order.

Hatsell, vol. i., chap. i.—“The journals of the House are preserved no farther back than from the first Parliament of Edward VI., and then concise and imperfect till the time of James I.”

Vol. ii.—“If a dispute arises about what member should speak, the question must be : ‘What member was put up?’ The rule : That no member should speak twice to the same question, should be strictly adhered to. A.D. 1604 : First instance of putting previous question—Previous question and amendment—Amendments should be put first—Main question cannot be amended after previous

question put—Previous question must be first withdrawn—When Black Rod knocks, Speaker takes the Chair, whether there be forty members or not, because otherwise the Commons might, by their particular Order, interrupt the exercise of the king's prerogative to prorogue or dissolve Parliament.

*1st June.*—Captain Vivian's motion about divided responsibility in the War Department carried by a majority of two. I thought it possible I might have to give a casting vote. I should have voted with the Noes, on the ground : That as the House was unable to form an opinion on a subject of so much importance, and the arrangements now in force had been established for so short a time, I thought it proper to allow the House time for further consideration before these arrangements were disturbed.

*Mr. Washington Wilkes.*

*Friday, 28th May.*—Committee for a false and scandalous libel and breach of privilege—Petitioned on Monday—Petition considered on Tuesday—Voted not sufficiently ample in its apology—Presented another petition on Wednesday—Discharged on payment of his fees. I recommended that he should not be reprimanded. I had, however, prepared a reprimand, as on the other side, in case it should have been ordered. I was glad to find that it was a disappointment to Washington Wilkes, that he was discharged with so little ceremony, and that he was not again brought to the Bar of the House.

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In order to be *reprimanded*, a person at the Bar must be in *custody* of the sergeant-at-arms. When *not in custody* he can only be *admonished*. When a person is at the Bar, and the sergeant by his side with the mace, then no member may speak, only the Speaker.

*Reprimand to Washington Wilkes.*

You were on Friday last committed to the custody of the sergeant-at-arms attending this House, for a false and scandalous libel in the *Carlisle Examiner and North Western Advertiser*, of the 15th of May, of which you are the proprietor and publisher, which libel was declared to be a breach of the privileges of this House. The House is slow to interfere with those whose task it is to comment upon public affairs. It admits the full right of free discussion, and allows the public conduct of its members to be fully canvassed. But the House cannot without injury to the public interests, and a derogation of its own dignity, permit false imputations of partiality and corruption to be made with impunity against any of its members, especially against members of its Committees to whom it has intrusted important judicial functions.

You have falsely imputed gross partiality and corruption to the Chairman of a Select Committee, and have cast reflections upon others of its members.

(Then the words of his petition and retraction would have been quoted.)

The House has been pleased to accept this retraction and expression of regret, and has ordered that you, having

received a reprimand from the Speaker, be discharged on payment of your fees. I accordingly give you this reprimand which, I trust, will carry with it a sufficient caution for the future.

*Challenging the Speaker's Decision on a Vote.*

On a careful examination of the records of Parliament, and after the best consideration I could give the subject, I have come to the conclusion that the old rule and practice of Parliament are that it is competent for that party only against whom the Speaker declares to dispute his decision.

But it is not competent for the party with whom he declares to question it.

If any member of that party should question it, should say, for instance: The Ayes have it, and should vote with the Noes, on that member's vote being challenged, it would be given to the Ayes, the party in whose favour he challenged the decision of the Speaker.

There is a case recorded in a note of Hatsell, in 1796 (vol. ii., p. 200), which has been thought to throw some doubt on this point from an argument on the other side recorded of Mr. Pitt.

On Mr. Jekyll's motion against Mr. Pitt on the Hamburg Bills of Exchange, the Speaker declared: The Noes have it.

Whereupon Sir W. Young: The Ayes have it—and voted with the Noes.

Mr. Grey, *immediately after the numbers* were declared, complained of this to the Speaker, who stated to the

House that there was solid ground of complaint, and that the conduct of the hon. member was unbecoming and inconsistent with the rules and practice of Parliament. Sir W. Young cited the case of Sir James Johnstone as having done the same thing in 1772 without censure. The matter was much debated. Mr. Pitt insisted that it was the right of every member to take this, as the only method of dividing the House, and showing the numbers on each side. The House came to no resolution on the subject but proceeded to the Orders of the day.

The House will observe :—

1. That as no notice was taken of Sir W. Young's vote till after the numbers were declared, it was too late to challenge the vote, and there was no decision on that point.

2. That though Mr. Pitt defended the course pursued by his friend, having himself a great interest that, on this question of a personal attack upon himself, the numbers should be declared, still the House in which Mr. Pitt exercised so great authority came to no resolution, but proceeded to the Order of the day ; that is, the House left undisturbed the declaration of the Speaker, that there was solid ground for complaint, and that the conduct of the hon. member was unbecoming and inconsistent with the rules and practice of Parliament. There has been no decision in a contrary sense. I have no doubt that the rule and practice of Parliament are, that it is not competent for the party with whom the Speaker declares to question his decision, and any one so questioning it does it at the peril of his vote.

*Amendments in Committee.*

Mr. F. Duncombe complained that the Public Health Act was out of order, because a clause was introduced relating to the Vaccination Act, which was not mentioned in the title of the Bill.

The old order required that an amendment must have been within the title of the Bill.

The new rule requires that the amendment should be relevant to the subject-matter of the Bill, and if such new matter is introduced, then the title of the Bill should be amended accordingly.

*Cornwall Submarine Mines Bill.*

Mr. Augustus Smith considered that Bill should have originated in a Committee of the whole house because some rights of the Crown (during the Queen's life devolved on the public) were surrendered to the Duchy of Cornwall.

This Bill gives effect to an arbitration of Mr. Justice Patteson. He decided what the rights of the Crown were, and what the rights of the Duchy.

The Crown gives up nothing which it can legally claim.

As to a certain one-fifteenth of some possible revenue to be derived from mines to be carried under low water mark, the one-fifteenth to be ceded to the Duchy is part of a possible prospective revenue to be derived from mines, which would not be entered but through the Duchy's land. This one-fifteenth is a payment for a privilege granted, and without which the other fourteen parts could not accrue.

*Clerk of Petty Sessions Ireland Bill.*

This Bill proposes to take for the purpose of paying clerks in Ireland a certain sum of public money which has accrued from fees. Exception taken by Mr. Wilson: That this Bill should have originated in a Committee of the whole House. The rule is this: When a clause is proposed to be inserted in a Bill, by which any public money is granted or appropriated, it is the practice to print such clause in italics, and before the Bill is considered in Committee, a resolution for granting such public money is agreed to in Committee of the whole House, and reported to the House. It appears that the effect of the thirtieth clause of this Bill is to grant and appropriate to local purposes a fund which, under the existing law, forms part of the revenue of the Crown: and this clause has been agreed to by the Committee on the Bill, without the formality of a previous resolution in a Committee of the whole House. To correct this informality, it will be necessary to re-commit the Bill, and in the meantime to agree to a resolution in Committee of the whole House.

*Session 1859.*

17th Feb., 1859.—Question about Baron Meyer Rothschild taking his seat for Hythe: Was it necessary to repeat the resolution of last year? Lord John Russell thought not. Bethell said certainly not, because a *resolution lasted for the Parliament*. I considered that the resolution had expired with the Session in which it was passed. Ultimately this opinion prevailed, and a new resolution was moved. When

it was all over Lord John Russell came to me and said he had now changed his opinion, and he was satisfied that it had been done in the proper manner, and that the course pursued was the correct one.

*As to the Previous Question being moved on an Amendment.*

Sir Denham Norreys wished to move the previous question in the event of Lord John Russell's resolution as an amendment on the second reading of the Reform Bill being carried. But the previous question cannot be moved on an amendment. In Hatsell this account is given: "On the 27th of March, 1770, a doubt was conceived whether a previous question can be put on an amendment, and, upon a division, the House determined that it could not, because the question being: 'That these words be here inserted,' the decision of this question only determines that they shall or shall not stand in that particular place, and has therefore all the effect of a previous question".

*Note.*—I suppose Hatsell means by this that the question: "That these words be here inserted," has much the same meaning as the previous question: "Shall the question be now put". "That these words be here inserted," "That the question be now put," do resemble each other very closely.

8th May, 1689; 16th April, 1701; 15th February, 1753; are instances of the previous question being put on an amendment, but, says Hatsell, "I am clearly of opinion that they were all irregular".

Thus we have a positive decision of the House on the question raised, that decision ratified by Hatsell, and former

decisions conflicting with this condemned, and an uninterrupted chain of practice for eighty-nine years. Few points of parliamentary law or usage have such strong grounds of authority to rest upon as this.

*17th March, 1859.*—Mr. J. Stuart Wortley rose to make a complaint that he had been ill reported in a newspaper. He spoke of a personal matter, a personal complaint. I said, if he did not intend to conclude with a motion his course would be irregular. He then said he would move that this House do now adjourn. I said such a motion would not cure the irregularity of which he was guilty. The motion must relate to the subject-matter with which he was dealing.

The House approved. The House does not recognise the report of debates. Therefore a correct or incorrect report is out of its cognisance. The House does not permit the reports of speeches made in the present Session to be referred to. The whole proceeding was irregular.

*5th April, 1859.*—After seven nights' debate, Lord John Russell's resolution as an amendment to the second reading of Lord Derby's Reform Bill was carried by a majority of 39 (330-291). In the course of the debate, reference was made to me on the matter of form whether the form of the resolution was irregular. I said: "It was not possible to take exception to the form of the resolution". Nobody questions the correctness of this opinion.

*Note.*—I consider the dissolution of Parliament by Lord

Derby as a rash and mischievous act, which will be productive of much future evil.

*May, 1859.*—Elected Speaker for the second time by a unanimous vote, 31st May. Colonel Wilson Patten proposed me, Sir F. Baring seconded.

I took my seat about the middle of the bench, below the gangway on the Ministerial side of the House, on the floor, and entered the House while the members were many of them gone to the House of Lords, to hear the Commission read.

*Amendment to the Address.*

Words added expressing no confidence in the Government. It was thought that I might be called upon to give a casting vote, the numbers seemed so nearly balanced. I considered the course that it would be my duty to take in the event of my having to give a casting vote. I intended to have voted with the Noes against the proposed amendment, and to have given the following reasons for my vote :—

The question before the House is: That certain words should be added by way of amendment to the Address, representing to Her Majesty that the House does not repose confidence in the present advisers of the Crown.

The House has not been able to arrive at a decision. It is most fitting that if such an opinion be conveyed to Her Majesty, it should be the opinion of the House itself as expressed by the votes of a majority, and not as expressed by the casting vote of its own presiding officer.

The principle by which my predecessors in the Chair have generally been guided in giving their casting vote, has been to avoid as far as possible committing the House to a conclusive judgment, not so much to judge for the House as to give the House further opportunity to judge for itself. Guided by this principle myself, I think I shall but discharge my duty by not committing the House to the opinion expressed in the amendment, while I leave the discretion of the House unfettered as to its future action. I therefore give my voice with the Noes.

I mentioned my intention so to vote to Lord Palmerston, who thought there could be no doubt of the propriety of my decision. Lord J. Russell thought I might vote in that way, or that I might give my voice like any other member of the House, and vote with the Ayes. Sir G. Grey inclined to Lord Palmerston's view. Mr. Labouchere had no doubt, and concurred with Lord Palmerston. I was well satisfied to be relieved from the responsibility.

*8th July, 1859.*—Question considered : In a private Turnpike Bill the Lords had inserted a toll on travelling engines. Q. : Can the Lords make such an amendment ?

The Standing Order of last year was to the effect that the House would not maintain its privileges in regard to tolls and charges for services performed. In the case of a railway there was no doubt, or a canal or a harbour, but in the case of a highway it was argued that the tolls might be of the nature of a tax, because there was a public liability

for the parish to maintain the road if the tolls should fail to do so.

After consideration I decided that it would be proper to interpret our own Standing Order in a general and liberal sense, and that when we spoke of tolls, we should stand to our words and grant the liberty in respect of them.

*Red Sea Telegraph Company.*

11th July, 1859.—The Bill came from the Lords with amendments. On consideration of amendments, Sir J. Graham moved the consideration should be adjourned for a fortnight. In the Bill a guarantee was given by Government of a certain interest on £800,000 of the capital. The clause giving this guarantee has been passed in Committee of the whole House. There was nothing irregular in the Lords amendment. The House negatived the motion for adjournment.

In truth, the House found no fault with the Lords amendments, which alone were under consideration, but the House really wished to go back on the guarantee which it had itself approved of. Reference was made to order by Sir J. Graham and by Mr. Crawford, M.P. for London.

I said, before putting the question, that as this Bill and two other Bills, the Indian and Australian, and the Atlantic Telegraph Bills, in which guarantees of public money were proposed, the clauses containing the guarantee not having been printed in italics, the Bills were by my direction withdrawn and fresh Bills presented with the clauses printed in

a proper manner. The merits of the question belonged to the House, and were not in my province. If there had been anything irregular in the amendments of the Lords, or anything which trespassed on our privileges, it would have been my duty to have invited the attention of the House to the amendments, but there was no such irregularity as to Mr. Crawford's question about the subject-matter of the discussion. The question was that the Lords amendments should be considered, and not the expediency of revising any parts of the Bill, to which this House had agreed, and to which indeed both Houses had consented. To have postponed the consideration of the Lords amendments for three months would have been fatal to the Bill.

*Lords Amendments.*<sup>1</sup>

I considered with Mr Jones the practice of the House as to Lords amendments. The truth is, that each House

<sup>1</sup> Mr. Arthur Jones was head of the Public Office. Every day, before the House meets, the clerks at the table have an audience with the Speaker, and draw his attention to any point of order likely to arise which the Speaker might be called on to settle, and to confer generally on the business of the day. The principal clerk of the Public Bill Office used to attend this audience, and, so long as the places at the table were given to political friends with no previous official experience, occupied much the same position at this Council of War that the master of a ship held at the deliberations of the military officers sent on board the fleet to fight the enemy.

Mr. Speaker Shaw Lefevre, however, promoted to the table

privately is constantly assisting the other in the interpretation of its own privileges. Lord Redesdale tells people he shall object to such and such clauses ; they are modified or omitted. Mr. Jones, on behalf of the Commons, tells people that such and such proposed amendments of the Lords would be held breaches of privileges in the Commons. In this way, Mr. Jones acts as a sort of pilot to navigate Bills among the rocks. If amendments conflicting with privilege are still introduced, sometimes on the third reading, at the last moment, before the amendments made to any public Bill in the House of Lords are taken into consideration in the House of Commons, they are examined in the Public Bill Office, and they are brought under my consideration by Mr. Jones. They are by me fully considered in reference to the privileges of the House. I have the advantage of consulting my counsel on any doubtful point, and referring to experienced officers of the House, and the questions of privilege are decided by my judgment.

Sir Erskine May, author of the ever-growing volume on the *Practice of Parliament*, from a subordinate position in the office. Mr. Speaker Denison followed this example, and the clerks, being now taken from the office, the presence of the clerk of the Public Bill Office at the audience is dispensed with. But the office is of great importance. He watches over all public Bills, settles out of court, owing to the friendly relations between the officers of the two Houses, all amendments likely to involve any question of a breach of the Commons privileges, and acts as a watchful guardian of the control of the House over the Treasury in the expenditure of money grants. He is responsible for the fees charged on Private Bills, and is also paymaster of the Department.—*Note by Mr. Archibald Milman.*

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*As to Private Bills.*

The agent of the Bill is bound to bring the amendments of the Lords to the Speaker's secretary, who has also the advantage of consulting the Speaker's counsel. He submits all doubtful points to my consideration.

Q.: Should Private Bills pass through the Private Bill Office and be subject to such an examination as Public Bills are subjected to in Mr. Jones' office?

*House of Commons Printing, 1859.*

Mr. Gladstone has been speaking to me about the expenses of printing connected with the House of Commons, Mr. McCulloch, of the Stationers Office, having made representations that the rates of charge were far too high. The subject has to be regarded in more points of view than one.

*1. The official point of view.*

The House has two printers, appointed by the Speaker under the authority of the House. They are by virtue of this appointment also officers of the House. These printers, Hansard and Nichols, have been established, Hansard for 150 years, Nichols for eighty years. They have a staff of printers thoroughly trained to the duties of Parliamentary printing; many of these men have been employed for twenty or thirty years, and are acquainted with all the technicalities of Parliamentary printing. The printers themselves and their men apply themselves to the business, not

merely as printers, but as officers, carefully carrying out the orders of the House. They perform various editorial duties, which ordinary printers are not accustomed to undertake.

This is of great importance for the conduct of the public business. Notices of motions are brought to the table very late at night, at twelve or one or two o'clock in the morning. These have to appear in a correct form in the morning.<sup>1</sup> The division lists require great accuracy. The votes have to be completed.<sup>2</sup> The Army Estimates were put in late the other night by the Secretary of War; they were voluminous and in great detail. There was not time to revise them; they were to be printed off and delivered at once. There are men in Hansard's department who can be relied upon to see all this properly done. They know the forms and can be trusted to observe them.

You could not get this done by a mere contract printer, taking the work by competition at the lowest price. We should have to provide men to revise the printing, to do the editor's work. While there might be some gain on the side of printing, there would be loss on the side of supervision. Some permanent increase to the establishment would be required to do the work which the printers

<sup>1</sup> The table, not the printer, is responsible for their being in order. But nothing but familiarity with the practice of the House could enable the printer to follow the concise directions scored on each motion at the table.—*Note by Mr. Archibald Milman.*

<sup>2</sup> This is done by the clerks in the journal office.—*Note by Mr. Archibald Milman.*

now do for nothing. At present we pay something higher for printing ; we have for our money accuracy, responsibility, expedition. There are at all events no complaints now, the printing is done with remarkable accuracy and gives satisfaction.

What is the amount of the extra cost? Hansard says 4d. per sheet—*i.e.*, four pages—on 1000 copies ; 4d. extra on 1000 copies. Hansard has now an immense capital invested in type, not less than £30,000. To undertake the double column printing he will have to invest £10,000 in additional type. It is not probable that £1000 a year would be saved.

*Control of Speaker.*

Provided always, and it be further enacted, that if any complaint or representation shall at any time be made to the Speaker of the House of Commons, for the time being, of the misconduct or unfitness of any clerk, officer, messenger, or other person attendant on the House of Commons hereafter to be appointed by the Clerk of the House of Commons or Sergeant-at-arms, or admitted into their respective departments (other than the Clerk, Assistant- and Deputy-Sergeant-at-arms), and it shall be lawful for the said Speaker to cause inquiry to be made into the conduct or fitness of such person, and if thereupon it shall appear to the Speaker that such person has been guilty of misconduct, or is unfit to hold his situation, it shall be lawful for the Speaker to require that such person shall be

suspended or removed, as the case may be, and such person shall be so suspended or removed accordingly ; and in the case of any person so appointed by the Sergeant-at-arms who may have purchased his place, such person shall be liable to be so removed as aforesaid, with or without any return of the consideration paid by him for the same, as by the Commission hereinbefore named shall be adjudged to be proper.<sup>1</sup>

*Select Committee, 1849.*

The establishment of the House of Commons is carried on in conformity with the recommendations of the Committee of 1849.

26th July, 1859.—Mr. Newdigate's motion on going into Committee on Church Rates. Mr. Newdigate proposed to put a new tax on all property rated heretofore to church rates. As this was not for the service of the year, but in lieu of church rates, he was allowed to make a motion for a Committee of the whole House, but I made him put in the word "To-morrow".

<sup>1</sup> This suggested rule was never carried out, and it is a little difficult to understand to what it refers. The chief clerk maintains discipline among the clerks, and the sergeant among the messengers, watchmen and others. The clerical staff is subject to a Commission consisting of the Speaker, the Chancellor of the Exchequer, and the Home Secretary. The Clerk carries on the establishment as they have sanctioned it, and no change can be made without their authority.—*Note by Mr. Archibald Milman.*

Mr. Frere, on behalf of himself and Mr. Smith, had presented a memorial for an increase of salary from £800 to £1000. After full consideration, and consultation with Lord Redesdale, I answered: "That we could not recommend the addition to the present salary".

I have had also under consideration a question from Mr. Lefroy about the fees on taxation of costs. Mr. Lefroy's case is this: At present very many bills are not taxed. This, he thinks, arises from the rate of the fees, and Mr. Lefroy proposes to reduce the fees by one-half. He brought as an instance a bill of £619; total taken off by himself on taxation, 13d.; fees on taxation, 7d. I requested not a selected case like this, but a fair average specimen of cases, and in these the aspect was different.

Bill: £700 or £800; taxed off, £150; fees £10 or £12. The state of the case at this moment is this. Taxing officer, £700 a year; clerk, £200 a year; so that the establishment for taxing bills amounts to £900 a year. It was said the fees from taxation would pay the expenses, but the average of fees for five years amounts to £241. I do not think it is the amount of the fees which keeps the bills away. If the fees were reduced one-half we might have the same number of bills to be taxed, and the fees £120 instead of £241.

I hear there is an office established somewhere out of the House with an officer appointed to tax Bills. I should like to learn something more about this. How established? Officer how paid? In whose interest does he act?

*2nd August, 1859.*—I have written to Mr. Lefroy to say

that, as at present advised, I do not think it would be advisable to make any alteration in the scale of fees.

*4th August, 1859.*—Mr. Roebuck made a motion as a question of privilege, on the subject of the withdrawal of the petition against the return of Dr. Mitchell for Bodmin. He said, in his belief, a corrupt compromise had been made affecting the privileges of the House, having reference to what occurred in 1842. I could not doubt that a motion made on those grounds was a matter of privilege. I was somewhat surprised at the precedent of 1842. First Mr. Roebuck had given notice of a motion for a Committee of Inquiry, and notice was held latterly by Lord Eversley to destroy the claim of privilege. The Order of the day for the second reading of the Income Tax had been read, and afterwards withdrawn by Sir R. Peel.

*Session 1860.*

*10th May, 1860.*—Lord Robert Montagu proposed to put a question to me as to the case of a member finding himself in the wrong Lobby, and declining to vote with the party with whom he found himself. The case had occurred a few evenings before, Mr. Ingram, on the paper duties, being found in the Lobby with the Noes, and wishing to vote with the Ayes.

I told Lord Robert that there was great objection to the Speaker giving opinion on hypothetical cases. It is the Speaker's duty to preserve order in the House, and when any breach of order or supposed breach of order arises, it

is his duty to inform the House what the rules of the House are on the point, *subject to the correction of the House*. This makes all the difference between the two cases; and it would alter the relation in which the House and the Speaker stand to each other if, on hypothetical points, the Speaker should deliver *dicta*, and lay down rules absolutely. I recommended Lord R. Montagu not to ask such a question, as I should be obliged to point out to the House the objections that existed to the putting such questions, and replying to them.

*Wine Licenses.*

*Thursday, 10th May, 1860.*—House in Committee: When I returned, Mr. Massey reported that the Committee had come to certain resolutions—Resolutions to be *reported forthwith*. I said: “What in the world can the resolutions be which it is fitting should be reported forthwith?” While I was discussing the matter with Mr. Massey, the Chancellor of the Exchequer got up and moved that the resolution be received forthwith. I did not like to decline to put the motion—Put and carried—Resolution reported—Notes taken of this on Friday by Mr. Bouverie and Mr. Disraeli. Mr. Massey gave his explanation; made too light of our order. I gave my account and recommended the irregularity should be corrected. On Monday it was corrected. I took care to guard the power of the House so to act by putting in the words that there had been *no occasion of urgency*.

On the occasion of the meeting at the Nore (8th May, 1797) Mr. Pitt moved a resolution in Committee and

reported it forthwith, and the next day he sent a message to the Lords to desire their Lordships to continue their sitting for a time. They brought in a Bill and passed it through all its stages, and sent it to the Lords. The House does possess this power, and should maintain it for cases of real urgency.

*Letter to Lord Palmerston on the Question of Order.*

" CLIVEDEN,

" Sunday.

" DEAR LORD PALMERSTON,

"I have considered the question of order which you have proposed to settle at the meeting of the House on Monday. I think the simple and direct course will be the best, to declare the proceedings null and void. It is not intended by this to say that the act of the House was of no effect; the House had the power to do what it did, and the act would stand good. So far Mr. Massey's statement may be upheld, but the course was irregular. I believe I may undertake to say that no resolution of Supply or of Ways and Means has been reported to the House on the same day on which it was passed during the last sixty years, and when you consider the number of votes annually passed and reported you cannot have a stronger case of undeviating practice. For the sake of the regularity of our proceedings and with a view to precedent, it would therefore, I think, be better to declare the proceedings null and void. I have spoken to Mr. Gladstone, who is here, and he concurs in this view.

" J. E. D."

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*Endowed Schools.*

16th May, 1860.—A Bill was brought in in the early part of the Session entitled : “ A Bill to amend the law respecting Endowed Schools ” (26th January, 1860). This Bill was rejected on the second reading, after a very good debate, in which Mr. Lowe made a very able speech against the Bill. A Bill was subsequently brought in entitled : “ A Bill to remove doubts as to the eligibility of certain persons to be trustees of certain charities ”. This Bill stood for a second reading. The question was raised in private that this Bill was out of order, for it was in truth a reprint of one of the clauses of the Endowed Schools Bill, which had been rejected. It did all that the rejected clause did, and it went a little beyond it.

Could such a Bill be proceeded with? Mr. Sothern Estcourt and Sir Hugh Cairns were against the Bill; Mr. Miller for it. A decision either way might have been embarrassing as a precedent. After much consideration Mr. Miller agreed to withdraw the Bill. We thought it a doubtful point. If I had been compelled to give a decision, I was disposed to give the benefit of the doubt in favour of the liberty of the House, *i.e.*, in favour of the Bill going on. I quite approved of Mr. Miller's withdrawal of the Bill.

The case might be put in this way: The primary object of one Bill is to interfere with the religious instruction in Church of England schools, and also affects the question of trustees; whereas the second Bill does not propose to

affect the religious teaching at all, but simply the principle of eligibility of trustees to *all charities alike*. The first Bill proposed to enable Dissenters to become trustees of church charities. The second Bill proposes to enable persons of all religious denominations to become trustees of any charity, unless excluded expressly by the will of the founder.

*Ascension Day.*

No Order was made. Committees met at twelve or at two as they pleased.

1856.—Ordered : That no Committee shall have leave to sit to-morrow, being Ascension Day, until two o'clock.

1857.—The same Order.

1858.—A motion was made—A question proposed : “ That all Committees of this House stand adjourned over Thursday next, being Ascension Day”. Motion by leave withdrawn—No Order made.

1859.—House only met to swear members.

1860.—No Order, and I think this should be the course : Let Committees fix their own time ; the House does not meet till four, and is not concerned.

*Fees.*

Mr. Jones brought under my notice a case relating to fees. A witness was wanted from Edinburgh for a private Bill—An order was given—Between five and six a messenger was ordered to be in readiness to start. At ten minutes past seven the parties came in and said the messenger need

not go (this was a written communication); it was given to Colonel Forester, Assistant-Sergeant-at-arms. Colonel Forester sent to the messenger's house to stop him, but the man was not in his house—No more pains were taken—No sending to the railway station—Bill brought in for the needless journey, £40—Real expense of journey £9 10s. I find the fees are at the rate of the old charge of *riding post*—1d. per mile; the fees must be revised. Colonel Forester did not use due diligence in his office. In his letter he said he supposed this man had gone by an earlier train, showing that he had taken no trouble about ascertaining the train.

### *Change of Habits.*

No message from the Commons received unless eight members attended; then it came down in my recollection to four. Speakers used to wear their hats, as Arthur Onslow is represented in the picture of himself and Sir R. Walpole.

15th February, 1620.—“Mr. Alford told the Speaker, Sergeant Richardson, that he was too courteous; that he put off his hat too often (this on occasion of a message from the Lords); he should not move till the third *congé*.”

*Repeal of Paper Duties; Bill Rejected by the Lords.—*

*May, 1860.*

Hatsell, Preface.—“The compilers of the Parliamentary history have taken pains to misstate and misapply facts relating to proceedings in Parliament; the object of this work is to show that the Government, even in the earliest

period, was founded on principles of freedom, and had always for its objects the interests of the community at large."

Page 67.—"The Lords have claimed the exclusive right that Bills for the restitution of honours or in blood should commence with them, and the House of Commons have assented, and, I believe, invariably preserved the exclusive exercise of the right: That Bills of Supply imposing burthens upon the people should be the *grant* of the Commons, and that the Lords should have no other voice than as one branch of the Legislature by their assent to give the authority of law to the levying of those aids and taxes which the Commons shall think wise and fitting to impose."

1675. Page 77.—"That the Lords have no right to alter or change the quantum or *manner* of any imposition laid by the Commons."

1705.—"Proceedings about Ashby and White in a separate volume."

Page 83.—"The Lords ought not to *intermeddle*, but to leave to the House of Commons that jurisdiction and those rights which they, on their part, are equally entitled to. I mean the exclusive right of judging in all matters relating to their privileges, and to the election of their own members, and of granting, arranging, and disposing of all aids and taxes to be levied on the people. We see that wherever either House has . . ."

3rd July, 1678.—Resolved: "That all aids and supplies and aids to His Majesty in Parliament are the sole gift of

the Commons, and all Bills for the granting of any such aids and supplies ought to begin with the Commons, and that it is the undoubted and sole right of the Commons to direct, limit, and appoint in such Bills the ends, purposes, considerations, conditions, limitations, and qualifications of such grants, which ought not to be changed or altered in the House of Lords."

Bills of Supply presented by the Speaker. In the preamble: "We your Majesty's most faithful Commons have given and granted to your Majesty".

*Appropriation Act.*

"We your Majesty's most dutiful and loyal subjects the *Commons of the United Kingdom of Great Britain and Ireland* in Parliament assembled, towards making good the supply which we have cheerfully granted to your Majesty in this Session of Parliament, have resolved to grant unto your Majesty the sums hereinafter mentioned, and do therefore most humbly beseech your Majesty that it may be enacted, and be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the authority of the same as follows . . ."

*Instruction to Committees.*

Formerly on every occasion on which a Bill went into Committee, motions might be made on the Speaker leaving the Chair, and instructions might be moved. By the

modern regulations of "progress," all instructions must be moved on the first occasion on which a Bill goes into Committee, as no opportunity presents itself for an instruction when progress is established. On Monday, 4th June, 1860, notice was given of instructions on going into Committee on the Reform Bill. I ruled against every one of them, except the second of Mr. Bentinck about bribery and corruption. In the first instruction of Mr. Hunt, it was proposed on the moment to insert the words "United Kingdom". This was suggested and supported by Sir Hugh Cairns. I said this would increase the irregularity because, as there were Bills for Scotland and Ireland before the House, it would be discussing by anticipation the subject-matter of these Bills.

As to the oaths, I ruled that as they required a preliminary Committee they could not be the object of an instruction, otherwise you might pass by the stage of a Preliminary Committee, and the precaution involved, which was held a necessary safeguard. I pointed out that there were two Bills on the subject of bribery before the House at present; if it was intended to incorporate clauses about bribery into the Bill an instruction would be necessary.

It occurred to Mr. May, that it might sound to some people strange that in the first instance the existence of two Bills was held fatal to an instruction; in the second case not. There was this difference: In the first case registration formed a small part of the Reform Bills for Ireland and Scotland; it was not in order to take a small portion of these Bills (leaving the main part to go forward) and make

it the subject of an instruction. In the second case, you might put the whole subject-matter of the Bribery Bills into the Reform Bill, and so dispense with the separate Bills altogether.

This I consider the distinction, and a valid ground for the difference of the treatment. But I also said that in the case of oaths, when it was put to me whether a provisional instruction could be given—for instance, in case a Preliminary Committee passed them—then they should be put into the Bill. I objected to a conditional instruction, and said, moreover, it was not necessary, because, at any time, should a Committee have passed resolutions, an instruction could be given to the Committee to insert them.

Again, this seemed contrary to the rule that all instructions must be given on the first passage of the Bill into Committee. The real truth is, that cases where a Preliminary Committee is necessary are exceptions to the rule.

The question being put: "That I now leave the Chair," Mr. Hennessey put a notice on the paper of an instruction on a night when notices of motions have precedence of the Orders of the day. He did not proceed with it. But I intended to have resisted it on these grounds, which contain, I think, the true doctrine as regards instructions:—

It is an invariable rule, on no occasion departed from to the best of my knowledge, that instructions to Committees should be connected with the Order of the day. Unless this rule is observed, instructions to Committees on important

Bills might continually be moved on notice nights, and the subject-matter of such Bills would be open to discussion on any day and every day before the day fixed for their consideration by the House.

There is an exception to this rule in cases where a Preliminary Committee is necessary. In these cases, the instruction cannot be moved on the Order of the day for going into Committee the first time, as the Preliminary Committee would be passed by. But if the subject (being a subject requiring a Preliminary Committee—trade or religion) should be considered in a Committee of the whole House, and a resolution should be reported from such a Committee, then it would be competent for the House to direct an instruction to be given to the Committee to make provision accordingly.

It was clearly the intention of the House that all instructions to a Committee should be moved before going into Committee the first time. The Committee on Public Business of 1848 recommended the following rule (made an Order 5th February, 1849): "That when a Bill or other matter (except Supply or Ways and Means) has been partly considered in Committee and the Chairman has been directed to report progress and ask leave to sit again on a particular day, the Speaker shall, when the order for the Committee has been read, forthwith leave the Chair, without putting any question, and the House thereupon shall resolve itself into such Committee".

*Unless a Member shall have given Notice of an Instruction to such Committee.*

These words stood in the resolution passed by the Committee, but when the Standing Order was recommended to the House these last words were struck out, showing that the House deliberately decided against any instructions when progress had been established.

*On going into Committee on Reform Bill.*

7th June, 1860.—Sir J. Fergusson gave notice of a motion on the adjourned debate on Reform Bill, which stood at the head of the list. This seemed to me to be quite irregular. There were three ways in which it might be done :—

1. Before the Orders of the day were read, as sometimes the Minister and Leader of the House gives a notice that “at half-past four” he will move a resolution about the course of business. The objections were to this course. The Speaker decides when the moment is come to commence public business, when private petitions, notices, etc., are concluded. Then the Speaker directs the Clerk to read the Order of the day without any question being put. I should therefore have objected to Sir J. Fergusson rising and turning an order day into a notice day and making his motion ; the Minister leading the House is permitted to make such a motion, because the right is reserved to Her Majesty’s Ministers to place Government orders at the head of the list, and because he is responsible for the conduct of the public business ; an exception, therefore, by

usage, has been made in his favour, but this liberty could not safely be allowed to any member of the House. If so, and if on an order day it was permitted to any member to rise to move that orders should be taken, not as they stand, but as he thinks they ought to stand, every order night might be consumed in debates upon what should and what should not be brought on.

2. Sir J. Fergusson might have interposed when I called upon the Clerk to read the Orders of the day. He would have been irregular in this, because as I have given an order to the Clerk to read the Orders of the day, that order should be at once executed.

3. When the Order of the day had been read, Sir J. Fergusson might then have moved that it be postponed? I think not. It was ordered to be proceeded with—it stood at the head of the list. It was, moreover, an adjourned debate. There was a motion before the House, and an amendment. It was my duty to put the motion to the House, and the debate must be proceeded with. The consequences of unsettling all our proceedings by setting such a precedent would have been disastrous.

Mr. Henley's precedent on the Divorce Bill was not in point. Then the Order of the day was read, and the Attorney-General being very slow in rising, Mr. Henley rose before him, and moved the postponement. If the Attorney-General had risen in time, and moved that the House proceed, Mr. Henley's would have been an amendment that it did not proceed. As it was, the Attorney-General became an amendment to Mr. Henley.

Mr. Adderley's case of postponing Government orders on a Wednesday in favour of independent members was a precedent in favour of Government on a night when the Government had precedence. The consequences to independent members would have been disastrous. If an independent member could make a motion to put off a Government Bill, a Government might make a motion to put off the Bill of an independent member. Who would gain and who would lose by this?

On going into the House, I sent for Sir J. Fergusson and told him that I had carefully considered the case, with every disposition to give full liberty of action to members, but I must object to his motion; he behaved like a gentleman, and wished to consult his friends. I then spoke to Disraeli, who at once admitted that he was responsible for the notice, though he had rather trusted to others for its correctness; he admitted the force of my objections.

I then went a step farther, and pointed out the possible course of moving the adjournment of the debate. As the announcement of withdrawing the Scotch and Irish Bills had been made since the debate began, it might be a fair course. Disraeli at once accepted the suggestion, and it was acted upon. It suited the Government very well, because they wanted a division, and this insured a division. So it suited all parties, including myself, and saved a contest between the House and the Chair.

*Charles I.*, Hallam, chap. vii., vol. ii.—“The Commons made their grant of tonnage and poundage to last but for a year, instead of the king's life, as had for two centuries

been the practice, on which account the Upper House rejected the Bill."

"The king levied tonnage and poundage without an Act of Parliament. Speaker Finch, having received an order from the King to adjourn, refused, as Speaker, to put the question on a remonstrance, and was held in his Chair till it was put" (*Parl. Hist.*, vol. ii., p. 6).

*Charles II.*—"End of Lord Clarendon's Ministry—Commons claim to appropriate supplies—Bill stopped by prorogation, but passed the next year, after Clarendon's downfall."

Chap. xiii.—"Original constitution highly aristocratic. In granting money, in changing by statute the course of the common law, the Lords could not act without the conjunction of the Lower House. But in redress of grievances, whether of a remote or public nature, the Lords were of full competence. They determined too in writs of error from the courts of common law.

"After the Restoration, they acted as if they had plenary authority in matters of freehold right, where any member of their own House was a party. The Commons having sent up a resolution that the persons and estates of the regicides should be seized, the Lords change the resolution into 'An order of the Lords on complaint of the Commons'."

Journals, August 2-15, 1860, special entry.—Case of Skinner; the Lords put damages of £500 on East India Company in an original suit. Commons pass a resolution that the Lords had acted illegally in passing by the courts of first instance.

Prorogations—long contest. Since 1669 the Lords have abandoned claim to original jurisdiction in civil suits.

*Money Bills.*

"Though I cannot but think the importance of their exclusive privileges have been rather exaggerated by the House of Commons it deserves attention, more especially as the embers of that fire may not be so wholly extinguished as never again to show some traces of its heat" (*Parl. Hist.*, vol. vii., p. 563).

Lords and Commons at first make separate grants—Not in form of laws.

*Richard II.*—Commons are said to grant and Lords to assent.

*Henry VIII.*—More formal as enactments.

*Charles I.*—Commons begin to omit the name of Lords in preambles of Bills of Supply—Conferences.

"But I cannot but think with a decided advantage both as to precedent and constitutional analogy on the side of the Peers."

*Wine Licences Bill in the Lords.*

Could the Lords properly amend the Bill? Could they make any change in the police regulations? Such were some of the questions asked me by the Chancellor of the Exchequer, just as the Lords were about to enter on the Bill.

I sent for the Bill. Certainly it would be proper that the Lords had liberty to make changes in such police

regulations, and the Bill should have been so drawn as to enable them to do so. But I saw it was called in the Lords "a Supply Bill".

The preamble made it a Supply Bill—The preamble was put in after the Committee. It was ordered in as a common Bill (*i.e.*, ordinary, not a money Bill); the money clauses were in italics. After the money clauses were put in in Committee, the preamble was put in as of a Supply Bill. As far as the substance of the Bill goes, all its regulations might fairly be open to consideration, as long as the Lords did not interfere with the amount of the licences.

Bills granting permanent duties may be introduced either in Committee of the whole House, or through Committee of Ways and Means.

Hatsell: "The judicial proceedings in Parliament are to be regulated not by what are technically and commonly called the rules of the common law, but by their own customs and the ancient practice of the two Houses of Parliament, and therefore, 'that the law of Parliament forms part of the common law of the land'".

#### *Conference.*

1575. Lords messengers called in and told: That by the resolution of this House, according to its ancient liberties and privileges, conference is to be required by that court which, at the time of the conference demanded, shall be possessed of the Bill, and not of any other court.

Commons (1702) acquaint the Lords at a free conference: That the Lords delivering at a conference their resolu-

tions instead of reasons, in answer to the reasons of the Commons, is not agreeable to the ancient rules and methods of Parliament observed in conferences between the two Houses.

1623. Lords desire a conference, and mention their number of twenty-four. The Commons answer, they will give their Lordships a meeting with a proportionate answer, and name forty-eight members to attend.

1670. The Commons disagree to the amendments made by the Lords to a Bill, and desire a conference to acquaint them, and to assign their reasons for such disagreement. The Commons in the report of this conference resolve that they are not satisfied with the reasons given by the Lords, and then desire a free conference upon this subject.

*Questions to the Speaker.*

14th June, 1860.—Mr. Stansfeld came to ask me if I had any objection to his putting on the notice paper the following notice: Mr. Stansfeld to ask the Speaker whether the Lords had asked that the estimates should be communicated to them, or any documents supplied, which might throw light on the state of the finances, and, if the Lords should do so, whether it would be consistent with parliamentary usage to grant them? I told Mr. Stansfeld that I objected as a general rule to printed notices of questions to the Speaker. I did not see how they could properly apply. In the present case, the question would not be a proper one, for more reasons than one. The first part of it

was a question as to a matter of fact of which he might obtain information by simple and obvious means—by looking at the votes, by asking the Clerk at the Table. To the hypothetical question there were obvious objections; the Speaker did not sit in the Chair to answer questions of parliamentary history. Mr. Stansfeld was satisfied with my answer, and did not press his notice. The proposal of submitting questions to the Speaker by notice must be objected to and discouraged.

*Divorce Bill brought from the Lords.*

1st May, 1860.—Court to instruct counsel to plead in certain cases.

Clause 5 (at the end): “ And Her Majesty’s proctor shall be entitled to charge and be reimbursed the costs of such proceedings, as part of the expense of his office ”.

These words objected to on the ground of privilege.

This is an amending Act; it amends the Act 20 and 21 of Vict., cap. 85. Section 62 of that Act provides:—

“ It shall be lawful for the Commissioners of Her Majesty’s Treasurers, out of such monies as may be provided and appropriated by Parliament for the purpose, to cause to be paid all necessary expenses of the court under this Act, and other expenses which may be incurred in carrying the provisions of this Act into effect.

This clause came down and was printed in black ink from the House of Lords, and, therefore Clause 5 was permitted and printed in the same manner. The precedent for this proceeding was a practice which has grown up of late years,

allowing the Lords to grant salaries to be paid *out of monies to be voted by Parliament*. I do not trace this form of proceeding higher up than the year 1854.

On 5th July, 1854, a Bill was brought from the Lords, intituled: "A Bill to facilitate the sale and transfer of encumbered estates in the West Indies".

Clause 12: These shall be paid out of monies to be provided by Parliament (black ink).<sup>1</sup>

(Red ink): To the Chief Commissioner, two Assistant Commissioners, Chief Secretary, and to all such Assistant Secretaries.

(Black ink): Such salaries as the Commissioners of Her Majesty's Treasury may from time to time recommend, (red) so that the same do not exceed in the whole.

It was decided by the Speaker that the words in black ink might stand; that is, the general power of granting salaries—but he would not allow the amount to be paid, or the offices to be named. (Of this latter I cannot see the distinction.)

In the same year, 1854:—

### *Public Statues Bill.*

The Lords amend the Bill by inserting a clause authorising other statues to be put under the management of Commissioner of Works and Public Buildings; but as the

<sup>1</sup> Any word printed in red ink did not form part of the Bill. They were mere suggestions of what the Commons might put in to complete the Bill, which the Lords were debarred from doing on account of privilege.—*Note by Mr. Archibald Milman.*

repairs of the statues, by a clause in the Bill, was to come out of monies to be provided by Parliament, the Speaker did not object to the clause.

Here, therefore, in the year 1854, was a Bill from the Lords, and an amendment in a Bill from the Commons, providing expenses to be paid by monies to be voted by Parliament. From that time, the appointment of salaries and other expenses "to be paid by money to be provided by Parliament," has been permitted and accepted from the Lords. The distinction was probably taken between charges on the Consolidated Fund, and charges to be paid by monies to be provided by Parliament. There may be some reason for the distinction established in the House of Commons itself, but there can be no pretence for making any difference in the case of the House of Lords.<sup>1</sup>

The House of Commons has the power of voting the money, so it may commit itself to an expression of opinion, that it will vote the money, or it may create an office, as it has the means of paying the officer; but the House of Lords has no such power. Therefore this form of proceeding seems to me objectionable. It appears calculated to break down the broad line of distinction between the duties, attributes and powers of the two Houses, and, acting on the discretion vested in me by the House, I have signified that clauses in that form, and provisions so made would hereafter be objected to by myself on behalf of this House, and that I should advise the House not to receive them.

<sup>1</sup> This practice was forbidden in 1866, when Mr. Gladstone amended the Standing Orders for that purpose.—*Note by Mr. A. Milman.*

*Form as regards Bills between the two Houses.*

14th June, 1860.—Formerly Bills in the House of Lords were printed for the use of the House, but they were engrossed on the third reading, and sent down engrossed, *i.e.*, written on parchment, to the House of Commons. All matters trenching on privilege were struck out on the third reading, and were omitted from the engrossed copy.

The Bills for the House of Commons were printed from the engrossed Bill, so that the House of Commons knew nothing of the intentions and wishes of the framers of the Bill on those parts omitted from the Bill. These were obtained by some member of the House of Lords communicating with a member of the House of Commons, who took charge of the Bill, and the clauses and the words omitted were proposed to be restored in the Committee of the House of Commons.

When engrossing was given up, and Bills came down from the House of Lords in print, all parts which used to be omitted in engrossment were omitted in the print, then, in order to give the House of Commons more early notice, and more complete information of the intentions of the Lords in framing the Bill, those omitted clauses and words were printed in italics. This plan commenced about ten years ago.

When the House of Commons decided that words in italics in its own Bills should not be considered as amendments (as was the case in filling up blanks), but merely had force given to them by the Committee, when no objection

was taken, then, for distinction's sake, red ink was adopted for clauses and words from the Lords.

*Standing Order about Italics.*

19th July, 1854.—That in going through a Bill no question shall be put for the filling up words already printed in "italics," and commonly called blanks, unless exception be taken thereto, and if no alterations have been made in the words so printed in italics, the Bill shall be reported without amendments, unless other amendments have been made thereto. On the Standing Order being made, the Lords' clauses began to be printed in red ink.

I gave a judgment on this point (the Divorce Bill), as discussed in the former pages, which was approved of and ordered to be inserted in the journals. This is the most important decision I have had to give, as affecting the relations between the two Houses. It is given in full in Hansard (20th August, 1860).

*Sunday Trading Bill: Selling and Hawking Goods on Sunday. From Lords.*

7th June, 1860.—Sec. 11. All penalties or sums of money ordered and adjudged within the Metropolitan Police District to be paid under this Act, and not otherwise appropriated, shall be payable to the receiver of the Metropolitan Police District in aid of the expenses of the Metropolitan Police, and all penalties and sums of money adjudged within the city of London and the liberties thereof, to be paid under this Act, and not otherwise appropriated, shall

be payable to the chamberlain of the city of London in aid of the expenses of the police of the said city.

Mr. Digby Seymour raised a question of privilege on this clause, and, as I was engaged for some time in referring to the Standing Order, and had had no notion of the objection, the adjournment of the debate was moved by Mr. Bright. In truth, there was no force to the objection. There are two Standing Orders, 24th July, 1849. The first refers to penalties, the second to fees. This clause comes under the first head in the Standing Orders:—

1. When the subject of such pecuniary penalty or forfeiture is to secure the execution of the Act, or the punishment or prevention of offences.

The second Standing Order refers to fees only, and not to penalties; the word penalty is excluded from the order. With regard to penalties, the application of the penalty is not followed up as the application of the fees is. The confusion arose from reading the two Standing Orders together; they should be read separately. Whatever the appropriation may be, such appropriation has never brought penalties under the head of privilege.

*Question about laying on the Table of the House a Copy of the Votes and Proceedings of the Lords.*

NOTICES OF MOTIONS for Friday, 22nd June, 1860, at the evening sitting.

2. Mr. Thomas Duncombe: To ask the First Lord of the Treasury whether there would be any objection to

the Minutes of Proceedings of the House of Lords being laid daily upon the Table of this House.

In the journals of the House of Lords, 31st December, 1691, a question put in the House of Lords and carried in the affirmative : " That the printed vote of the House of Commons is sufficient ground for the Lords to take notice of that vote to the House of Commons, and a conference with the House of Commons is desired on that ground ".

On 24th February, 1820, this resolution (*Lords Journals*) : " That it appears from the votes of the House of Commons *now on the table* of this House, that the Commons House of Parliament have voted the following resolutions . . . "

The resolutions are then cited, being resolutions of appropriation, and the House of Lords resolves : " That this House is induced, in consequence of the state of public business, to acquiesce in the payments to be made for the services specified in the resolutions, although no Act of Parliament shall have passed for appropriating money for the payment of the said services.

Also, on 4th February, 1784, various resolutions in the House of Commons—Votes were read and certain resolutions were passed by the House of Lords. On the other hand, there is no trace of any message for the votes of the House of Commons, or of any order for laying them on the Table, although they were always there. Moreover, Committees have on several occasions been appointed by the House of Lords to search the journals of the House of Commons. Two instances are : 19th June, 1845 ; 11th August, 1843.

Lord Palmerston answered Mr. Duncombe's question and said : " There would probably be no objection to having a copy of the Lords votes laid on the table of the House of Commons, and that it might be left in the Speaker's hands to arrange accordingly. From this time forward a copy of the votes and proceedings of the House of Lords will be placed on the table of the House of Commons."

*Mr. Lowe's Nuisance Removal Bill.*

Amendments on consideration of report. Mr. Jones says : " Speaker Lefevre held that an entire clause could not be committed ; that is, in a complete form ; there must be something to do, something to add in Committee, as a blank to be filled up. Therefore Mr. Lowe's clause by this rule cannot be added on consideration of report. The Bill must be recommitted." <sup>1</sup>

*Private Bills.*

Any Bill which extends beyond three counties held to be a public Bill.

*Passing Tolls Bill.*

Should this be a hybrid Bill ?—No. Matter much considered in 1856. The same Bill in fact relating to the four harbours of Ramsgate, Whitby, Dover and Bridlington held to be a public Bill, being a measure of general policy, relating to the general mercantile interests of the country ;

<sup>1</sup> This probably refers to the rule that a new clause cannot be added on report without notice.—*Note by Mr. A. Milman.*

its character was not changed by the fact that four harbours only came under its operation.

*27th June, 1860.*—Sir James Graham came to consult me about a proceeding in his Committee on Army Organisation. He had prepared a report, which had been read a first time, on the question that it be read a second time; notice of an amendment had been given in this form.

*Resolution to be proposed by General Peel—quite opposed to the lines of Sir James Graham's Report.*

Sir J. Graham said: "I am going to be hoisted by my own petard". The question put to me was: As to the form of this proceeding, could such a resolution be moved in the Committee? I caused search to be made, and found that on the Committee on Local Charges upon Shipping, 1856, draft report proposed by Mr. Headlam read first. Question proposed: "That this report be read second time, paragraph by paragraph". Amendment proposed (Mr. Milner Gibson): "To leave out all the words after the word 'that,' in order to add the words, 'the evidence taken up to the present time be reported to the House, without any expression of opinion'." Question: "That the words proposed to be left out stand part of the question," put and negatived—Mr. Milner Gibson's words added.

Independent of this precedent, there does not seem any good ground of objection to the course proposed to be taken by General Peel. The forms of proceeding in the House are followed in Committees, as far as this shall be applicable.

The most analogous case in the proceedings of the House would be the report of resolutions from a Committee of the whole House. It is competent for a member to move any amendment relative to the subject-matter, on the question for reading the resolution a second time.

*10th March, 1857.*—A motion being made, and the question being proposed: "That the said resolutions (being resolutions from a Committee of Supply) be now read a second time," an amendment was proposed to be made to the question, by leaving out from the word "that" to the end of the question, in order to add the words: "In order to secure to the country that relief from taxation which it justly expects, it is necessary, in the judgment of this House, to revise and further reduce the expenditure of the State," instead therefore, and the question being: "That the words proposed to be left out stand part of the question," it was resolved in the affirmative.

It is a common practice to propose resolutions as the foundation of a report. In the present instance, a draft Report has been prepared by the Chairman; a member dissenting from it proposes a resolution, which may be the foundation of a fresh report, or may stand by itself as a report, as an expression of the opinion of the Committee. Because, if the question: "That the words proposed to be left out stand part of the question" be negatived, the next question would be: "That these words (*i.e.*, General Peel's words) be there added".

Then these words may be amended, may be expanded into

a report, may be treated in any way that should be thought fit by the Committee. I therefore concluded that there could be no objection to General Peel moving his resolution in the form, and at the time, in which he proposed to move it. Sir James Graham at once concurred in the justice of this conclusion.

*29th June, 1860.*—Mr. Gladstone submitted to me last night the following questions, to which I replied as below:—

1. Is there anything to prevent the reintroduction of the Paper Duties Repeal Bill forthwith in the same terms?

Yes. The rules of both Houses, and especially the Standing Order of the Lords: "That when a Bill hath been brought into the House, and rejected, another Bill of the same argument and matter may not be renewed and begun again in the same House in the same Session where the former Bill was begun".

In the House of Commons the rule is: "That no Bill of the same substance be brought in in the same Session".

2. Is there anything to prevent the reintroduction of a Paper Duty Repeal Bill forthwith, in altered terms, say with a different date of repeal, which affects the amount?

There must be some material change, so that the Bill should not be held to be of the same argument and substance.

1840.—In the Rating Stock-in-Trade Bill, which was thrown out in the Lords, a second Bill to exempt "for a limited period" was held to be a sufficient variation. The Lords are the judges of the force of their own Standing

Order—and in the first or the second case they might order this Standing Order to be read, and they would decide whether the new Bill was in harmony with the Standing Order or not.

*Hop Duties Bill.*

30th May, 1800.—“The Commons suspend duties on foreign hops from 23rd April, 1800, to 1st Jan., 1801; that is, for eight months. The Lords amend and suspend duties for four months. The Commons put off amendments for three months, and bring in a new Bill, suspending duties for three months. The alteration therefore from eight months to three months held to be a sufficient alteration in argument and matter.

3. Is there anything to prevent the insertion of clauses repealing the paper duties (say with an altered rate) in a Bill providing other Ways and Means, for the year, which have not yet been voted?

To prevent the repeal of the paper duties from being obnoxious to the Standing Orders of the House of Lords, and indeed of the House of Commons, it would seem necessary to make some change in the enactment which would be held to alter the argument and substance.

Query: Suspension for a limited time? As to the compounding such an enactment in a Bill of Ways and Means, it would be difficult to answer the question without a more definite description of the proposed measure.”

*Monday evening, 2nd July, 1860.*—Lord Palmerston

brought to me in the Chair a copy of the resolutions on the Paper Duty Repeal Bill, which had been agreed upon by the Cabinet. He asked me to look over them, and he would speak to me about them later.

*Amendments.**Resolved.*

Insert "aids and"

That the right of granting supplies to the Crown is in the Commons alone, as an essential part of their constitution, and the limitation of all (such) grants as to the matter, manner, measure and time is only in them.

Omit "such "

Omit ( )

That although the Lords have exercised the power of rejecting Bills relating to taxation (by rejecting the whole) yet the exercise of that power by them has not been frequent and is justly regarded by this House with peculiar jealousy as (bearing upon) the right of this (House of) Commons to (frame) the supplies, and to provide the ways and means for the service of the year.

Omit "bearing upon "

Insert "affecting "

Omit "House of "

Omit "frame "

Insert "grant "

Omit "House of "

"The Supplies  
and Ways and Means"  
"frame"

That to guard for the future against an undue exercise of that power by the (House of) Lords and to insure to the Commons their rightful control over (taxation and supply) this House has in its own hands the power so to impose and remit taxes, and to *regulate* Bills of Supply that the right of the Commons (as to Bills of rates and taxes, with regard to the matter, manner, measure and time) may be maintained inviolate.

Leave out ( )

I held a consultation with Mr. May about the terms of these resolutions. There seemed to be great objection to

the third resolution. What did it mean? Did it mean that all taxes were to be voted annually, or taxes and repeal of taxes to be put into supply Bills?

The verbal alterations were suggested, and in place of the third resolution, the following words as alternative: "That the postponement of the Lords of the Paper Duties Repeal Bill, if drawn into a precedent, may be of dangerous consequence to the right of the Commons, and to the friendly relations of the two Houses".

On Wednesday, as soon as the House had gone into Committee, I went to Lord Palmerston, and placed before him the verbal alterations, and the third resolution as above. I pointed out to him that, in thus passing by the act done about the paper duties, he would keep his engagement with the House, that he did not mean to quarrel with the Lords about their vote. It gave a warning to the Lords as to the future. It kept out of sight the question of annual votes, and of tacks to supply Bills.

Lord Palmerston thanked me for both; almost all the verbal amendments were adopted. The Cabinet decided to adhere to the form of the third resolution.

Lord Palmerston moved the resolutions in a speech which had great success with the House. It was rather too much of an apology for the Lords, to have been spoken by the Leader of the House of Commons.

Gladstone made a strong vehement speech the other way; said he adopted the resolutions, but the act of the Lords was a gigantic innovation; and not satisfied with words, if he saw any prospect of a successful attempt by acts to

redress the mischief, he should not fail to take advantage of it. He was loudly cheered by the Radicals. An immense majority in favour of the resolutions.

*Smithfield Market Hybrid Bill.*

10th July, 1860.—Went through Committee without amendments: then ordered to be read a third time. Mr. Bouverie moved: "That it be referred back to the Examiner of Petitions, to see if with regard to some new work introduced in the Bill, the Standing Order had been complied with". Mr. Massey supported this view. It rather seemed to me, that some allegation should be made, at least, that the Standing Order had been invaded. The House negatived the motion. It was a fault in Mr. Bouverie not to have made this motion to refer it to the examiner before it had passed through the Committee of the whole House; because this acceptance of it, and the passing it through Committee, condoned the imperfections. Mr. Bouverie afterwards admitted this.

Lord Lyndhurst sent to borrow from me Cushing's book about the practice of Congress. Some days afterwards I called on him, and, finding him at home, sat with him for half an hour. He spoke of the privilege question between the two Houses. I said I did not think I would enter very much with him on that subject. He observed: "There can be no doubt that the Lords have the power to reject the whole. Hatsell lays it down clearly." I said in the old contests the question was for the power of amending and not about rejecting. The Crown and the Lords did

not want to reject the supplies, they wanted to regulate them ; and when people are contesting one point, they are often careless of their treatment of collateral points not at issue ; and if I wanted a proof of this, I should refer to your speech the other day, when you said : " I know we have no power to amend ".

" Oh, what, you observed that, did you ? " said Lord Lyndhurst. " Do you know, I thought that was very imprudent in me as soon as I had said it. I thought it an imprudent admission."

The Lords may originate Bills relating to tithes—as far as privilege is concerned. Hatsell says : " Tithes and mortuaries are no tax within these rules, and Bills for regulating them may originate in the Lords".

*1st August, 1860.*—Mr. Hastings Russell, asking advice about having been summoned to serve on a jury, and having been fined £10. My answer:—

" HOUSE OF COMMONS,

*" 1st August, 1860.*

" SIR,

" I beg leave to acknowledge the receipt of your letter, dated 31st July, informing me that having received a summons from the High Bailiff of Westminster to serve on a jury in the Court of Queen's Bench on the 19th of June, you replied that you should not attend, being exempted, as a member of Parliament. That you received a letter in reply from the High Bailiff, dated 30th July, informing you that members of Parliament are not exempted

from serving on juries, and requesting you at once to send him a cheque for £10, the amount of the fine. Your claim of privilege is valid. It is so clear and certain that it can only have been through ignorance or inadvertence that the High Bailiff can have written a letter to you in such terms. If you should think well to appear in your place, and to make a complaint on the subject of this letter, the House will undoubtedly grant you redress by summoning the High Bailiff to the Bar, or by taking such steps as may seem expedient.

“ There can, however, scarcely be a doubt that the High Bailiff, when better informed of his duties, would himself take the necessary steps to afford you relief, and to save you further trouble.

“ I have the honour to be,

“ Sir,

“ Your faithful servant,

(Signed) “ JOHN EVELYN DENISON,  
Speaker.

“ HASTINGS RUSSELL, Esq., M.P.,

“ Bournemouth.”

Copy of a letter to Lord Granville referring to a debate in the House of Lords on the Bill, and his speech on the Bill :—

“ HOUSE OF COMMONS,

“ 18th August.

“ MY DEAR GRANVILLE,

“ I have just been reading your speech, which I think excellent. There is one passage referring to myself

about which I wish to say a word. 'He knew that the highest authority in the House of Commons thinks your Lordships acted against the privileges of the Commons' (some expressions of dissent). This passage may not be quite correctly reported, but if it was spoken as it is reported, it is not a correct representation of what I said, or indeed *could have said*. The question proposed to me had been proposed before the debate took place in the House of Lords. The question proposed to me was: 'What was the nature of the clause in question? Was the clause regulating the disposal of the money, for the interest of which the House of Commons was responsible, a claim which fell under the head of privilege?' I expressed an opinion that the clause did fall under the head of privilege. But I have expressed no opinion about the proceedings of the House of Lords. The statement that I had done so probably produced the expression of dissent, and such an expression of dissent was not unreasonable. I feel it to be important as regards both Houses, that I should keep strictly within my own province, and on this account I submit it to your consideration, whether on Monday you should refer to this passage and make an explanation regarding it. The explanation should come from yourself, and not from me, for I have no right to know what took place, nor would it be fitting that I should take notice of it.

"J. E. DENISON."

1861.—Address presented by both Houses to the Queen at Buckingham Palace, as she was remaining in London.  
Copy of Address presented by me to the Queen.

Query: Should it have been signed by Sir Denis le Marchant? It was signed, I think, rightly; as officer of the House he thus certified the correctness of the copy.

*Red Sea Electric Telegraph Bill.*

A public Bill brought in by Chancellor of the Exchequer to *amend a private Act*. But there was in the Bill a guarantee of money by the public, which had been voted by a resolution in Committee of the whole House. It was to give effect to this resolution, about which there was some difficulty, that this public Act was brought in; a precedent exists for correcting an error in a private Act by a public Act. This was very analogous. No exception was taken in the House to the proceeding.

Lord Enfield summoned to serve on a jury. He went to the Court, accompanied by Mr. Waldegrave, and claimed exemption. Chief Justice Earle pronounced in Court that a member of Parliament had to serve in a higher Court, and could not be called upon to serve as a juror. (Confirming my letter of last Session to Mr. Hastings Russell.)

12th February, 1861.—Sir J. Trelawny asked a question about a witness whose evidence had been refused at Rochdale on the grounds of her inability to affirm her belief in a state of future rewards and punishments. He was to repeat the question next day, but in the notice he put in to be printed he used the words, “to affirm her belief in certain speculative propositions”. I had these words struck out and the first words inserted, considering the new words “were not

becoming words so applied". I stated the reasons for the change made to the House, and that Sir J. Trelawny had not meant anything offensive, and accepted the change made.

*Friday, 22nd February, 1861.*—Attended the Committee on Public Business and gave evidence from twelve to three—Attended again on Monday, 25th, from twelve to half-past one—Sir James Graham, Chairman of the Committee. I had in conversation with him informed him of my views as to what ought to be done and what ought not to be done. Sir James Graham concurred in my views, adopted them, and proposed to bring them under the notice of the Committee, and then only, confining himself to my propositions and not going beyond them. I sent to Sir James Graham and to Mr. Disraeli the materials I had collected about the practice in America as regarded previous question and the one hour rule. If any such proposals had been made in the Committee here the experience in America would have been an answer.

Sir James Graham was laid up for a week with the gout. He printed four resolutions for the consideration of the Committee. When the Committee met to consider these resolutions Lord Palmerston, who, it is understood, had been favourable to them, rose in Committee, to the astonishment of everybody, and said he thought the existing rules were as good as possible, that no change was needed, and he was not prepared to adopt any of the resolutions. At a second meeting of the Committee this result was felt to

be so unsatisfactory that it was proposed to go back on the resolutions and to reconsider them. At a third meeting of the Committee, the Committee divided on the proposal of putting some restriction to the proceedings on the adjournment of the House from Friday to Monday. This was negatived by ten to eighteen.

*Wednesday, 13th March, 1861.*—Previous question moved on second reading of County Franchise Bill. Query: When the previous question was negatived, *i.e.*, the Noes have it, would it have been competent for any one to move that the Bill be read a second time this day six months? Yes. The decision of the House was: "That the question should not then be put". But the order of the House that the Bill be read a second time was not discharged. The Bill remained in the same position as it would have been in if the motion for reading it a second time had been met by a simple negative.

I found a precedent so far back as 23rd December, 1692, *Commons Journals*, vol. x., p. 762. Motion made and question proposed: That this House will on Friday next resolve itself into a Committee of the whole House to consider of same Bill (Supply Bill, Land Tax). Previous question: That the question be now put—The House divided—Ayes, 119; Noes, 120. So it passed in the negative. Resolved: That this House will on Wednesday next at ten "resolve itself into a Committee of the whole House to consider the Bill".

*Saturday, 16th March, 1861.*—The Duchess of Kent,

mother of the Queen, died at Frogmore. The House met on Monday, 18th, and before the Orders of the day were read Lord Palmerston moved and Mr. Disraeli seconded an Address of Condolence to the Queen. The House then proceeded with its ordinary business. I did not put on mourning. The *Gazette* came out on Monday evening ordering mourning for Thursday. I had cards out for a parliamentary dinner on Wednesday, the last dinner before Easter. I was advised to put off the dinner, and I did so. After Easter I invited the same party to dinner on 17th April.

*Thursday, 21st March, 1861.*—On consideration of the Report of Bankruptcy Bill, Sir Hugh Cairns moved to reject a clause; Attorney-General then proposed to alter and amend the clause. But this could not be done unless Sir H. Cairns would consent to withdraw his amendment, because the form is this: Original proposal that the Bill should stand; amendment, that it be rejected. This amendment covers the whole clause. Sir H. Cairns was not willing to withdraw his amendment, so the clause could not be amended. The Attorney-General should have moved the clause in an amended form in the first instance if he desired to make a change.

*Out of Monies to be Voted by Parliament.*

Question: The power of private members, without the consent of the Crown, without a Preliminary Committee, having power to commit the House by the use of this form

of words. This *apropos* to a clause in the Bankruptcy Bill to be moved by Lord Stanley, increasing the salaries of County Court Judges—payment to be made out of monies to be voted by Parliament.

It is the settled practice of the House, under its Standing Orders, that no clause imposing a charge upon the Consolidated Fund can be inscribed in a Bill without a preliminary resolution, to which the House cannot agree unless the consent of the Crown has been signified. But when a clause provides that any charge shall be paid out of monies to be provided by Parliament, it may either form part of the Bill, when originally brought in or may be inserted in Committee, without the consent of the Crown and without any preliminary resolution of the House. The ground of this distinction is, that the charge is not finally made on the people, but awaits the ultimate sanction of the Crown and Parliament in voting the estimates. Among numerous precedents may be mentioned that of the Friendly Societies Bill of Mr. Sothorn Estcourt in 1855.

*Asked by Mr. Gladstone.*

Question 1 : Can the repeal of a duty be moved in a Committee of Ways and Means, in which certain impositions of duty are also voted, whether referring or not to the same branch of revenue ?

According to recent practice, the Committee of Ways and Means has confined itself to the imposition of duties, every resolution commencing with the words "towards raising the supply granted to Her Majesty". This practice

has been encouraged by the facilities offered by the rules of the House, to the repeal or reduction of duties, which do not require any preliminary resolution in a Committee unless they are held to relate to trade. Even in the latter case and usage, the rules of the House have favoured Committees on "Customs and Acts" rather than the Committee of Ways and Means, first, because most taxes having become permanent are not specially for the service of the year; and, secondly, because the modern rule of "progress" gives great facilities to the continuous consideration of extensive fiscal changes. But formerly it was not uncommon to propose the reduction or repeal of duties in the Committee of Ways and Means.

1. On the 6th March, 1695, the Committee of Ways and Means reported two resolutions for repealing the duties upon coals and culm, and upon the tonnage of ships, together with other resolutions imposing duties upon other commodities.

A Bill was ordered to be brought in upon all these resolutions.

2. On the 10th May, 1766, the Committee of Ways and Means reported several resolutions, by which some duties were repealed and others imposed. The duty upon cotton wool was wholly repealed; and duties were imposed on various cotton and linen manufactures.

*Commons Journals*, vol. xxx., p. 812. An instruction was given to the gentlemen appointed to bring in a Bill or Bills upon other resolutions to make provision.

3. On the 15th of May, 1777, the Committee of Ways and

Means reported several resolutions imposing additional duties. Certain resolutions of the Committee of Supply were then read, and a Bill or Bills ordered upon the resolutions of both these Committees, after which a further report was received from the Committee of Ways and Means, for repealing certain duties upon silver plate ; and an instruction given to the gentlemen appointed to bring in the said Bill or Bills to make provision pursuant to the latter resolution.

4. On the 6th of April, 1802, the Committee of Ways and Means reported a resolution repealing the income tax. The duties upon beer were also repealed, and other duties on beer granted. Several other duties were also imposed.

A Bill or Bills ordered upon these resolutions.

5. On the 14th July, 1807, the Committee of Ways and Means reported resolutions repealing several duties of excise and stamps in Ireland, and granting others. Among the duties repealed was that on beer and ale brewed in Ireland ; and no other duty was imposed in lieu of it. This repeal formed clause 8 of the Money Bill granting the new taxes, 47 Geo. III., Sess. 1, cap. 18. This latter case is the last precedent which has been found of a tax being repealed in Committee of Ways and Means. A different practice has since prevailed, but not by reason of any resolution or order of the House ; nor, so far as can be ascertained, by any ruling of the Speaker. The change appears to have been caused by considerations of convenience rather than of order ; and if it should be thought fit to revert to former practice, there would seem to be no

reason why the precedents cited should not be followed. "It was formerly customary, in such cases, to empower the Committee of Ways and Means, by instruction, to consider of taking off duties" (Hatsell, vol. iii., p. 200); but such a proceeding can scarcely be necessary, as it is the proper function of the Committee to consider of revenue; and it is competent to every Committee to entertain questions relevant to the subject-matter referred to it by the House.

But as it is the proper form of resolutions of a Committee of Ways and Means, to include the words "towards raising the supply," etc., perhaps it would be right to avoid the apparent solecism of raising supply by repealing a tax, by introducing some preliminary resolution in the shape of a general preamble. The following form is suggested for consideration, so far as it may be applicable: "That towards raising the supply granted to Her Majesty, it is expedient to continue and alter certain duties of customs and inland revenue; and to repeal certain other duties not required for raising such supply". A resolution in this or some equivalent form would connect the succeeding resolutions, and comprehend the entire financial scheme. It would also declare that a tax is remitted, not on the ground of public policy, but because it is not required for the public service, of which the Commons alone can judge. It would further afford an obvious ground for including the repealing of a tax in a money Bill granting aids to the Crown.

Question 2: If certain duties are imposed in Committee of Ways and Means, and if a resolution is moved on

reporting, as usual, that leave be given to bring in a Bill or Bills in pursuance of those resolutions, can remissions of duty, without a separate preliminary resolution, be inserted in any of these Bills? Yes. By instruction to the gentlemen appointed to prepare and bring in the Bill or Bills; by instruction to the Committee on any Bill; or even in Committee, without an instruction, if the title of the Bill were sufficiently comprehensive. But to such a course it might be objected that money Bills, with the supply preamble, are founded exclusively upon resolutions of the Committees of Supply and Ways and Means; and that to introduce other provisions, not founded upon such resolutions, would have the appearance of a "*tack*".

Question 3: Was the Paper Duties Bill, 1860, introduced without a preliminary resolution? Yes.

Effect might be given to a Bill embracing these provisions under some such title as this: "A Bill to continue certain duties of customs and inland revenue for the service of Her Majesty, and to alter and repeal certain other duties".

*Proposal that the Speaker should Nominate a Committee.*

Sir Francis Baring's Committee on Public Monies proposed that a Committee should be appointed to examine into—and that the Committee should be nominated by the Speaker. Mr. Gladstone came to me and said he was going to put a motion on the paper, and he was going to ask me to nominate the Committee. I told him I thought there were many objections to the Speaker nominating a Committee. He was urgent on the subject, and wrote to

me about it. I sent an answer from Ossington, which should be inserted here. On my return to London I had the satisfaction of hearing from Sir Francis Baring and Sir James Graham that they both had seen my answer to Mr. Gladstone ; they admitted the force of my reasons and thought I was right to decline.

" OSSINGTON,

" 27th March, 1861.

" MY DEAR MR. CHANCELLOR OF THE EXCHEQUER,

" I have received your letter and its inclosure, which I return. You will not, I am sure, think me indifferent to the recommendations of a very weighty Committee, or indifferent to the expression of a wish from yourself, which alone would have great weight with me. But I think the Committee had probably not considered all the points of objection which suggest themselves to my mind.

" It is the practice of the House of Commons to reserve to itself the nomination of all Committees. Even for such Committees as the Committee on Standing Orders, the Committee to assist the Speaker in the Library, the Committee is moved in the ordinary way, and no reference is specially made to the Speaker. In the single case of the trial of election petitions, where it was considered essential to get the whole machinery as much as possible out of the House, the plan was adopted of the Speaker's naming the General Committee of Elections and placing his warrant with the names on the Table—still open to challenge there—but if not challenged, accepted, each name not being

put to the vote. If it should be proposed that the Speaker should appoint certain members to form a Committee, that would be one thing, whether wise or unwise, good or bad, I do not stop to consider, but the present proposal is not that the Speaker should appoint a Committee, but that he should nominate a Committee. That he should place certain names on the list, the names to be put individually and voted upon. I think this (speaking for the office and not for myself) open to much objection. The Speaker has not the same means of moving about among members and consulting them individually as to their willingness to serve. Is he to ask members to do him the favour to serve? Members might not like to be put in this position as regards the Speaker, or the Speaker as regards members. At the moment it might be all smooth and simple, the names might be placed on the Table, and perhaps accepted without a word; at other times it might be different, and names might be objected to, and discussion raised. The Speaker would have to listen to the criticisms on his selection, without the power of entering into the debate to explain or dissent. If it came to a vote the Speaker might have the casting vote on his own nomination; this would be quite unseemly. I am unwilling, without some very urgent reason, to depart from the established practice. I concur with Mr. Disraeli and yourself, that it would be better for you to place the names on the Table in the usual way, without referring to the Committee of Elections or Selection.

“ J. E. D.”

I was very glad that I took this course. What happened? The Chancellor of the Exchequer took great pains to nominate a good Committee; he put the names on the table. When the time came to vote on them exception was taken that there was no Irishman on the Committee, and quite a storm was raised. This might have happened to myself if I had nominated the Committee.

One evening Lord Palmerston said no private member could make a motion in Committee of Ways and Means, putting a charge on the public, without the consent of the Crown. Was he not confounding the functions of the Committee of Supply and of the Committee of Ways and Means? The Government, under the authority of the Crown, say what supplies are necessary for the year. If the Government says £70,000,000 are wanted, it is not competent for a private member to propose £71,000,000.

But in Committee of Ways and Means it is different. The House has to provide the means. The Crown might ask for £1,000,000 from malt; the House might say: No, I will give you £1,000,000 from income. Could a private member do this without the consent of the Crown? Why not? Otherwise the Crown would have the power of fixing the amounts required, and also of fixing the exact sources from which the supplies should be raised. Would not this be carrying the power of the Crown too far?

I was asked by Mr. Hennessey whether by a resolution in Committee of Ways and Means to provide for the service of the year you can impose a customs duty which goes beyond the year, as with regard to chicory this year. Yes,

certainly. The resolutions all refer to the Ways and Means of the year; they are rightly considered in Committee of Ways and Means. That some duty should be continued beyond the year makes no difference. By a resolution in Committee of Ways and Means Sir Robert Peel imposed the income tax for five years. The same with regard to the sugar duties.

*Monday, 13th May, 1861.*—Question brought forward by Mr. Roebuck about Mr. Andrew Stewart having voted on 2nd May, being at that time a lunatic, under certificate that he was dangerous to himself and others. Motion for a Committee negatived. Thinking that the House had turned sharply and unfairly on Mr. Roebuck, I justified him in some degree, and came to his rescue in a manner which was called by Mr. Gladstone very generous. Mr. Horsman came to speak to me about the preamble of the Bill in which the taxes were to be voted collectively: customs and inland revenue; his point was that in a supply Bill, with the supply preamble duties were repealed and no notice taken of this in the preamble. Two precedents exist for this, and were soon found.

*17th February, 1790.*—Repealed assessed taxes and imposed income tax, with a simple supply preamble.

*17th March, 1807.*—Imposed various duties and repealed beer duty in Ireland; simple supply preamble.

But, in truth, the complaint about the preamble of the

Bill was idle. It is the business of the Committee ~~to see~~ that the preamble is in conformity with the clauses of the Bill, therefore they postpone the preamble till they have considered the clauses, and then they fix the terms of the preamble. It is the business of the House to see to the title of the Bill, to see that it is pursuant to the order of leave, but the preamble is a point on which no objection of such a nature as that of Mr. Horsman's could be raised. Some Bills have no preambles. 15th May, 1860: Customs Act, no preamble. It begins: "Be it enacted . . ."

*As to Putting Questions.*

Hatsell, vol. ii., p. 123.—If main question has been put, and previous question has been moved, no amendment can be made without previous question be first withdrawn. If no amendment can be made, after previous question has been "proposed," it would be in the power of any two members, by proposing the previous question, to deprive the House of the power of altering or amending any question proposed to them; but if, before the previous question is proposed from the Chair, *though it should have been moved and seconded, any member should inform the House that he wishes to make amendments* in the main question, he will then certainly be at liberty to do so, and the Speaker, supported by the House, will give the priority to the motion for amending to the motion for the previous question, which common sense requires.

2nd April, 1861.—The consideration of this point arose

on a notice from Mr. Scully ; but Mr. Scully's was in fact not an amendment, it was only the previous question with an argument.

But it would appear that, in the case of any essential amendment, there ought to be power to amend, before the previous question is put from the Chair.

3rd June, 1861.—Mr. More O'Ferrall came to me to ask me whether, on Sir Hugh Cairn's moving the names he proposed to serve on a Committee about Irish marriages, he could move an amendment to exclude Roman Catholic marriages. I told him not in that exact way. But he might either move to discharge the order, and move it in another form, or he might move an instruction to the Committee to confine itself to certain classes of marriages. This he proposes to do.

*That certain Notices of Motions should have Precedence of Order of the Day.*

Colonel Dunne, on such a motion, proposed to move a resolution about Irish members, and a justification of their character.

It is open clearly to any one to oppose the motion, to move anything relating to another Order of the day, etc., but not, I think, to introduce, as an amendment, a totally new subject of which no notice has been given. I should propose to hold to this view.

13th June, 1861.—I have had a long discussion of nearly

an hour with Mr. Rickards about the construction of the Standing Order of 1858.<sup>1</sup>

In the case of the Wexford Harbour Bill, it had been intended originally to make the qualification of commissioners twelve rating. It was suggested that this was too low, and the rating was raised to twenty. It passed the House of Commons with twenty. In the Lords it was represented that the original contract had been for twelve, and that it was regarded as a breach of faith raising it to twenty. Could the Lords put it back to its original point of twelve? Lord Redesdale said it might be interfering with privilege.

The question was brought before me for decision. The Standing Order passed in 1858. The first point that occurred under it was an amendment made by the Lords in the Reading and Hatfield Road Bill. The Lords added the schedule of tolls, a toll of 1d. each to be paid for each locomotive engine which might pass the gates. On that occasion I considered the point fully with Mr. Rickards, and conferred with Mr. May also. It appeared to me that this amendment fell properly within the wording of the Standing Order, a toll or charge not in the nature of a tax. He considered the point, that the highway was open to all subjects of the Queen; that if the tolls failed, the highway must be kept up by the adjoining lands. Still the tolls were for the purpose of keeping up and repairing the road; service was rendered for the toll demanded.

He had just passed the Standing Order to give increased

<sup>1</sup> Mr., afterwards Sir George, Rickards, K.C.B., was Counsel to Speaker from 1851 to 1852, and advised him on Private business.

facilities for Bills to originate in the House of Lords, and to expedite the passage of private business. It would seem ungracious and captious to take exception to the exercise of such a power by the Lords; the words of the Standing Order seemed fairly to cover the case. I made no objection to the amendment made by the Lords. Mr. Rickards, bearing this decision in view, proceeded in the same spirit to allow Harbour Bills, with the harbour rates and dues, to originate in the Lords, and the Lords to fix the rate. If the Lords might fix the rates, they might *a fortiori* fix the qualifications of those who were to impose the rates.

#### *The Drainage Bills.*

There seemed to be more difficulty about Drainage Bills than any other class of Bills. The toll or charge or rate was more of the nature of a tax, as the other Land Drainage Bills were more of the nature of Estate Bills, they affected a limited number of persons within a given district.

Mr. Rickards had extended the permission to the Lords in Drainage Bills. This had been done for three years. It was settled that whenever harbour dues were used in aid of town rates, or for anything except the service connected with the harbour itself, then the case of Commons privilege would properly apply with this reservation, which had been always attended to by Mr. Rickards. I agreed to let things remain as they are.

19th June, 1861, *Wednesday morning sitting*.—Third reading of Sir John Trelawny's Bill for the Abolition of Church Rates. The second reading had been carried

by eighteen. The third reading was to be warmly contested; I knew the numbers would be near. I had indeed a sort of impression in my own mind that I should have to give a casting vote. The importance of the occasion, the difficulty about the manner to deal with a third reading, made it recur to my mind, till at last I had a sort of intimate conviction that the occasion would occur. At about half-past one o'clock Sir Denis le Marchant said to me: "They don't expect much discussion; I daresay it will be over by four". I answered: "No, it will go on longer than that, and at about half-past five I shall be called upon to give a casting vote". During the debate, as indeed I had done on the previous day, I thought over thoroughly the whole case, how I should vote if the occasion arose, and the grounds on which I should rest the vote.

The division took place about a quarter-past five. The four tellers came into the House nearly at the same moment; there was great excitement. I thought Colonel Taylor called out five, so I sat back in my chair at ease. The moment after I saw the tellers mixed; I saw it was a tie: Ayes, 274; Noes, 274. Colonel Taylor had called a tie, and not five. The excitement became intense. I sat still for a moment to let the excitement subside; I had quite made up my mind, and was quite prepared. Indeed, I was the only person in the House who was not taken by surprise. I gave my reasons for the vote, and gave my voice with the Noes.

This vote has been much canvassed, as it was sure to be; my statement was quite clear and distinct, and all were

satisfied with the manner in which it was done. The winning side, the Noes, were of course contented. But the losing side were not dissatisfied. Sir George Grey and Mr. Lowe told me at once that they concurred; Sir G. Lewis told me that he thought I was quite right, and that Lord Palmerston said I could have taken no other course. Mr. Kinnaird told me he was sitting below the gangway, and that Mr. Stansfield and Mr. Fox and others said: "The Speaker is quite right". Mr. Paget said above the gangway they all were quite satisfied with my course. Just now, 20th June, Mr. Disraeli came to my chair and said he wished to express the unqualified admiration with which he and all around him had listened to what I had said. That there was but one feeling and one opinion about the admirable manner in which I had performed my part, both in manner and as to its substance. What a remarkable moment it had been; what a striking scene; he would not have missed it for anything in the world. Then came the Attorney-General to offer his tribute of admiration at the wisdom of my decision, and at the dignified manner and language in which it had been delivered; there could be no question about the moderation and justice and propriety of the course I had pursued. In the morning the Lord Chancellor had said much the same to me. Then came Lord Naas: "I can't help congratulating you on the most successful speech I have ever heard delivered in the House of Commons. I hardly like to write these self-laudations. Sometime it may be pleasant to look back to the day perhaps.

Mr. E. Ellice, perhaps the most experienced man of the House, came to me and said : " In what you did the other day you have satisfied every man in this House, and that is not an easy thing to do ". Some few people say ( I hear Mr. Walpole says so ) I should have voted with the Ayes, on the ground that the House might again have taken a division on the motion : " That the Bill do pass ". This step is now never contested. I don't think this would have been a worthy course, nor was my vote given on purely formal and technical grounds, nor to avoid a fair share of responsibility. It was no benefit to the question to have gone up to the House of Lords by a majority of one, even if that majority had been in the body of the House. The question had gone up with large majorities and had been rejected. What profit would there have been to have sent it up again with a majority of one, if that one had been my casting vote, or had been a vote obtained through a chance resulting from my casting vote ?

My vote rested on many considerations ; an important ingredient in my decision was the evident desire in the House, as evinced by the debate, that some middle course, some settlement on the basis of a compromise, should be arrived at. That could be arrived at only by having the Bill for the total abolition out of the way. In the debate we had remarkable evidence of this. On the Conservative side : Mr. Sothern Estcourt, Mr. Hubbard, Mr. Cross, speaking not for themselves only, but for many others of the same opinion. On the side of Sir J. Trelawny : he himself had been delaying his Bill for weeks, with a view to a

compromise ; Mr. F. Buxton was strongly for a compromise, and he spoke on behalf of many others, who had been associated with him in the attempt at a compromise ; Sir G. Lewis announced that he had himself a plan based on a compromise ; Mr. Bright said he too had a plan : he would let the Bill have its commencement at the end of five years. Thus both sides of the House were full of men who had views on the subject, which were no way truly represented by their votes Aye and No on the third reading.

This had a material influence in guiding my judgment. Moreover, my own opinions coincided in this wish for some settlement of the question different from that proposed by the Bill, "the simple abolition of the Law of Church Rates". Everything, therefore, seemed to favour a casting vote against the third reading.

1. It would have been of no service to the Bill and the friends of the Bill to have sent it up to the House of Lords by a majority of one, to be kicked about and ridiculed and turned out.

2. In point of form it is not a bad principle to keep in view that when an important change in an existing law of long standing is proposed, and the House cannot decide about it, if the Speaker should be called upon to decide he should bear in mind the precept that in such cases *presumitur pro negante*. He should not, in ordinary cases, by his single vote undertake to decide and to give force to important changes.

3. It is well to keep questions which are so nicely balanced within the control of the House, to let the House

retain possession of them, till it can decide with effect on some proposal for a change.

4. My own judgment was not in favour of passing a Bill for the abolition of church rates, but was in favour of seeking some different settlement of the question, or, at all events, of giving an opportunity for an attempt at some other settlement.

Sir J. Trelawny, at all events, did not disagree with me, for the day after I met him and asked him if I had to make my peace with him, and he said: "No, by no means"; in his opinion the question stood at this moment in a more favourable position for a settlement than it had done at any previous time. I add to this one word: I should be sorry if this should be held as a precedent in favour of the Speaker always voting with the Noes on the third reading of Bills. I can easily imagine a case where the circumstances would have appeared to me as imperative in favour of voting Aye, as on this occasion they appeared to me imperative in favour of voting No. Possibly if I live and continue Speaker, some opportunity may occur for my illustrating this view. But if no such public opportunity should arise, I put on record this expression of my opinion and judgment on the general duties of a Speaker.

On Sunday morning, 23rd June, the Lord Chancellor (Campbell) died suddenly; he was found dead in his chair in his own house. On 25th June, Sir Richard Bethell was made Lord Chancellor. He took leave of me on the evening or Monday, the 24th, in the House of Commons; a new writ for Wolverhampton was moved on Wednesday, the 26th, on

Sir R. Bethell's elevation to the Bench as Lord Chancellor. Sir R. Bethell and I had always been on very friendly terms, communicating freely on all matters of public business. I wrote to him from the Chair of the House of Commons :—

“ HOUSE OF COMMONS,

“ 26th June, 1861.

“ MY DEAR LORD CHANCELLOR,

“ When you took leave of me the other evening in the crowded gangway of the House of Commons I could not say all that I should wish to have said on that occasion. I offer you my sincere congratulations. When the new writ was moved this morning for Wolverhampton the House received the news of your elevation with cheers. I must be permitted to make you my thanks for the friendly goodwill you have always shown me, and for the encouragement you afforded me on undertaking the duties of my present office, with my best wishes that you may enjoy many years of health, of honour, and of happiness.

“ Believe me,

“ Yours sincerely,

“ J. E. D.”

Within an hour I received the following answer :—

“ MY DEAR MR. SPEAKER,

“ Your most kind note has given me the greatest pleasure. I shall always preserve it. I rejoice to think that we have still a bond of union between us—in addition to that personal one which I trust will always subsist—in being placed *vis-à-vis* as Speakers in the Houses of Parlia-

ment, and I only trust that I shall be able to act with the same dignity, presence of mind, and clearness of perception, which have always distinguished your presidency over that 'fiery Democracy,' the House of Commons.

"With sincere thanks,

"Ever yours most truly,

"RICHARD BETHELL."

*Tuesday, 9th July, 1861.*—Lord Palmerston, in answer to a question on Monday, said it was not the intention to move the adjournment of the House over the Wednesday, the Queen's birthday. That as the Queen was not in London, and no drawing-room would be held, it was thought that the House might with propriety continue its sittings. On Tuesday there was a morning sitting. At five minutes before four, just before the sitting closed, Mr. Hennessey came to me and said he thought of moving that the House should adjourn over Wednesday. I answered: "No notice has been given". In the paper at six I found notice of a motion in Mr. Hennessey's name; when he rose to move it I called attention to the fact that no due notice had been given. I instanced Mr. Abbot's declaration about the necessity of notice, and said that I should hold as he held till otherwise directed by the House that notice of any motion was necessary. The House concurred.

*17th July, 1861.*—Long letter and complaint of Mr. Charles Tennant about a charge of £35 for fees on his petition for the Swansea and Meath Railway—Answered that I had made a careful inquiry into his complaint. The fees were

charged according to the Standing Order of the House, founded on the report of the Committee which sat in 1847, and no irregularity has been committed.

*Lords Amendments—Bankruptcy Bill.*

It is competent when the Lords have made an amendment for the House of Commons to amend their amendment, being new matter. But when the House of Commons disagrees with the Lords amendments, and in so doing restores the clause to its original shape, is it competent for the House of Commons then to tinker its own work? It seems that it is competent to do so. Two or three precedents in point were found in the Irish Municipal Corporation Bill, and on the strength of this precedent I permitted some amendments to be made in clauses on the Bankruptcy Bill on the same principle. Mr. Paget moved to amend one of the clauses thus restored to the Bill. The principle might seem to be this: Here is a clause in dispute. The Lords have amended it; the Commons disagree with the amendment. The subject-matter of the clause being thus in dispute, it does not seem unreasonable that the Commons should alter and amend with a view to an accommodation with the other House.

*25th July, 1861.*—Mr. Hope to move: "That an humble Address be presented to Her Majesty, praying that the sum of £15,000, voted by this House on the 25th day of June, for increasing the Royal Military College at Sandhurst to hold 500 cadets, may not be expended for that purpose

until this House had before it, and has had time to consider, the details of the plan in pursuance of which it is proposed to make such increase".

On the motion that the Speaker do leave the Chair on going into Committee of Supply, Mr. Hope proposed to move the above Address, having made a long speech, partly in reference to the subject of the Address, partly on other points. Sir James Graham rose to order when Mr. Hope made his motion (I had suggested the irregularity to the Chancellor of the Exchequer, and that he should propose to Sir James Graham to notice it). I stated that great latitude was permitted in going into Committee of Supply, but restraint was placed on two points:—

1. No vote that had been passed could be discussed on the motion to go into Committee of Supply.
2. No vote that was about to be considered in Committee.

In the present case, a vote had been passed in Committee, had been reported to the House, and had been agreed to by the House. It appeared to me to be quite irregular now to propose an Address to the Crown to put a condition on the vote, which had been passed unconditionally. As to what had been stated about the vote having been carried by a small majority, that could not in any way be taken into account.

#### *Industrial Schools Bills.*

Provision made by the Commons to make payments out of the rates for inmates of these schools for three years.

The Lords struck out the clause limiting the act to three years. The effect of this would have been, at the end of three years, that the Lords would put this charge upon the people. I objected to this amendment, and the Lords withdrew it and restored the clause.

*Session 1862.*

1862.—During the recess a question arose about the day on which a writ can issue, after notice in the *Gazette*. The question arose in the case of Plymouth. The notice to the *Gazette* had been signed by me on 7th October; inserted in the *Gazette*, 11th October. Could the writ issue on the 25th October? It seemed to me that the fourteen days would extend it to the 26th. The 25th was the fourteenth day from the 11th.

Mr. Rickards wrote thus, 26th October, 1861: "I think your decision respecting the writ was quite correct. In all cases where time is to be computed in election proceedings it has been the practice, so far as my knowledge extends, to reckon the days exclusively of the one, and inclusively of the other of the two termini, *i.e.*, the days from which and to which the reckoning is to be made. According to this rule, which is a recognised one in law (whenever there is no express statutory direction to the contrary), the period of fourteen days from the 11th of October is completed on the 25th. I may add, if it is any additional satisfaction, that these statutory regulations as to time have been held to be *directory* only, that is, an error does not vitiate the

proceedings although the party committing it might be responsible for his error.

"G. L. RICKARDS."

As Mr. Rickards was out of town I went to the office of the Clerks of the Crown and had searches made for precedents as to the issuing of writs. I found the greatest variety of practice, and almost to appearance, no settled rule. The Town Clerk of Plymouth came to London and stated, on behalf of the Mayor of Plymouth, that he was most anxious the writ should issue on the 25th, in order that the parliamentary election might not clash with the municipal election.

The precedents, as I have said, varied very much; I found one in Manners Sutton's time.

1829. 15th December, notice in *Gazette*. Speaker's warrant for writ to issue, and writ issued 29th December, *i.e.*, on the fourteenth day; this writ for Southampton.

1858. Manchester: on decease of Sir J. Potter. *Gazette* notice, 29th October. Warrant dated 12th November.

Brecknock. *Gazette*, 3rd December, 1858. Warrant dated 17th December, 1858.

1841. *Gazette*, 1st January. Warrant, 15th January; room of R. Ferguson, Esq.

On these precedents I acted, before the receipt of Mr. Rickard's letter, and the writ for Plymouth issued on the 25th.

I have since that time settled as a rule, that the writ shall issue on the fourteenth day. It is certainly desirable

no unnecessary delay shall attend the issuing of writs. In these days notice flies so rapidly over the face of the earth that some curtailment of the time might be allowable ; no extension of it can be justified.

In December I came to London to attend the funeral of Prince Albert. Lord Palmerston was laid up with the gout. At that moment we were waiting the reply from the United States on the subject of Messrs. Mason & Slidell. Lord Palmerston asked me to look into the question as to the length of notice necessary before Parliament could be summoned for despatch of business. I begged Mr. May to make some searches. He wrote to me as follows :—

“ 26th December, 1861.

“ ‘ By usage, forty days’ notice was deemed necessary for the meeting of Parliament for despatch of business ’ (Hatsell, vol. ii., p. 333). But by the 37 G. III., c. 137, this usage is altered as follows :—

“ ‘ Whereas it is expedient to shorten the time now required for giving notice of the royal intention of His Majesty, his heirs and successors, that the Parliament shall meet and be holden for the despatch of business, be it enacted that *whenever* His Majesty so shall be pleased by and with the advice of the Privy Council of His Majesty to issue his royal proclamation, giving notice of his royal intention that Parliament shall meet and be holden for the despatch of business on any day, being not less than fourteen days from the date of that proclamation, the same shall be a full and sufficient notice to all persons whatever of such the

royal intention, and the Parliament shall thereby stand prorogued to the day and place therein declared, notwithstanding any previous prorogation of the Parliament to any later day ; and notwithstanding any law, usage, or practice to the contrary.'

"This Act was intended to provide for cases in which Parliament had been prorogued beyond the fourteen days, and has generally been understood as applicable to such cases only. In that manner, it has frequently been brought into operation (May on *Practice of Parliament*, p. 4), but it appears to me that both the preamble and the form of enactment are more general, and comprehend such a case as the present in which Parliament stands prorogued to an earlier day. The object of the Act was to shorten the forty days' notice to fourteen, and this requirement would be properly fulfilled by a proclamation on the 31st of December for the further prorogation of Parliament from the 7th of January to the 14th, but I think a proclamation announcing that Parliament, which now stands prorogued till the 7th, should meet on that day for despatch of business would be illegal. Of course the latter part of the clause would not apply to this case. Parliament would not stand prorogued by virtue of the proclamation, but would be further prorogued on the 7th of January—the usual form.

"T. E. MAY."

I wrote a letter, embodying the larger part of this to Lord Palmerston, and the Cabinet accepted this as a correct interpretation of the statute.

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*Friday, 21st February.*—At a quarter before one o'clock, while I was undressing to go to bed, a knock at the door came, and Baillie told me Lord Palmerston wanted to see me. I put on my dressing-gown and went down to my library. Lord Palmerston and Mr. Brand were there. Lord Palmerston said it had been intimated to him that the O'Donoghue intended to send a hostile message to Sir Robert Peel, on account of the words in his speech, "Mannikin Traitor". Lord Palmerston conferred with me about the case. I told him, to send such a challenge for words uttered in debate was a distinct breach of privilege. To accept the challenge would be a breach of privilege. Lord Palmerston wrote a letter at once to Sir Robert Peel to this effect, to warn him against accepting any such challenge if it should be sent. On Saturday evening I went to Lord Palmerston's after my parliamentary dinner. Sir Robert Peel was there. Major Gavin had called on Sir Robert Peel on behalf of the O'Donoghue, and had asked for an apology. Sir Robert Peel had answered that he could make no apology for words spoken in the House of Commons, nor could he give any explanation but in the House. Major Gavin said after he had done with the O'Donoghue he would have to begin with him, for he was at the Rotunda meeting also. Presently Sir Robert Peel received a letter from Major Gavin to the effect that, as the explanation was not satisfactory, he begged Sir Robert Peel would name a friend. Sir Robert Peel answered that he had *referred* the matter, but not saying to whom.

**Question :** What power did I possess as Speaker during this adjournment of the House? In what way could I interfere if this matter was brought under my notice?

**Sir Charles Wood :** He should not hesitate in my place to write to the parties, reminding them that they would all be guilty of a breach of privilege. I told Lord Palmerston I would consider the question as to my power. After church on Sunday, I talked the whole thing over with Mr. May. It seemed clear I had no power to act during this adjournment of the House ; without the direction of the House, and while the House was under adjournment I could only do such acts as were settled by special provision that I should do. But in the event of Lord Palmerston feeling that there was danger of a hostile collision before the meeting of the House on Monday, I resolved, on such apprehension being made known to me, to seek for authority where it certainly resided—in the civil magistrate ; to send the Sergeant-at-arms to a police magistrate, that he should depose to the danger, so that the magistrate might issue his warrant and summon the parties, and bind them both over.

I felt that in taking this course (for which no precedent existed, as far as I knew, I should be acting in the spirit of the directions I should certainly receive from the House if it were sitting. That it would be a matter of reproach and of just imputation against Lord Palmerston and myself, if, cognisant of this danger, we should permit it to go forward, and not take steps effectually to prevent it. I told Lord Palmerston I decided against the course suggested by Sir Charles Wood. I could not think of merely warning the parties ; if I acted at all I would act with vigour and effect.

I called on Lord Palmerston at three o'clock, and pointed out to him the danger of things being left exactly as they stood. Sir Robert Peel's answer was only half an answer; he had not said to whom the case was referred. He should complete the answer without delay. The word *referred* might look like a subterfuge; it might be so regarded. Some insolent message might be sent, and then it might be a personal quarrel instead of a parliamentary one. Lord Palmerston fully agreed, and wrote off at once to Sir Robert Peel.

Lord R. Montagu moved a resolution about appointing a Committee as a check on expenditure of public monies. He proposed that the Committee should be nominated by the Speaker. I objected, mindful of what had occurred last year. Lord R. Montagu altered the words and proposed that the Committee should be appointed by the Committee of Selection. Resolution negatived.

*Mr. Couper's Bill to embank the Thames, and to amend the Bill for continuing the Coal Tax.*

Mr. Ayrton raised a question of order. That the Bill should originate in a Committee, as laying a charge upon the people, which could be done only in Committee. Mr. Ayrton urged in argument the case of the Appropriation Bill, which originated in a Committee: "Shall be paid to an account to be issued in the name of the Lords Commissioners of Her Majesty's Treasury at the Bank of England, to be intituled the Thames Embankment and Metropolis Improvement Fund, and such fund shall be applied to the

improvement of the metropolis in such manner as may hereafter be determined by Parliament”.

On referring to the Act of last year I showed that it continued the coal tax for a certain time, and directed the proceeds to be paid into a certain account, afterwards to be disposed of by the direction of Parliament. This Bill was the direction which it was proposed Parliament should give. No new charge was laid upon the people. It did not seem necessary that it should originate in a Committee.

It appears that the Bill to continue the coal tax did not originate in a Committee because it was a money Bill, but because it related to trade. It was reported at once, and leave was given at once to bring in the Bill, which would not have been done with a money Bill; the report must have been postponed to the next day. It was not regarded as a money Bill, because it was a local tax for local objects. In this way all charges for local purposes, harbour bills, docks, etc., being private Bills, originate on petition, are referred to a select Committee of five, and have no Preliminary Committee of the whole House.

With regard to the analogy of the Appropriation Bill, neither does it hold good. Before the last few years the appropriation clause was a clause introduced into a Consolidated Fund Bill in compliance with an instruction from the House in the Committee of the Bill, the clause not having been originated in a Committee of the whole House.

The Consolidated Fund Bill originated in a Committee—in the Committee of Ways and Means.

Thus: That towards making good the supplies to be

granted to Her Majesty, the sum of — millions be granted out of the Consolidated Fund. (This is a distinct grant of money from the people to the Crown, and so properly comes from the Committee.)

In this Consolidated Fund Bill, the appropriation clause used to be inserted in Committee; but, to save time in these latter days, the form has been to introduce it at once into the Consolidated Funds Bill. Thus: That leave be given to bring in a Bill to apply a sum out of the Consolidated Fund, and (this is new) to appropriate the supplies granted to Her Majesty.

Thus the process of appropriation does not require a Preliminary Committee. So it could not logically be argued from the analogy of the Appropriation Bill that a Bill to dispose of certain sums already voted and carried to an account, and by which no new charge was laid on the people, must originate in a Committee of the whole House; and, moreover, in the case in question it was not a general but a local tax.

3rd April, 1862.—Mr. Digby Seymour wrote me a letter containing an extract from the *Daily Telegraph* which discussed the case of barristers in relation to the Inns of Court — Said: “Mr. Digby Seymour has had certain charges made against him—perhaps more sinned against than sinning—is still a barrister, and *still a member of Parliament*”.

Mr. Digby Seymour asked me if these words would not permit him to claim privilege and to make a statement about himself on that ground. I answered: That I had received his letter, etc.

"It does not appear in the paper enclosed that any imputation is cast upon your character or conduct as a member of Parliament. Imputations of such a nature have been entertained as breaches of privilege. But imputations, though of a libellous nature upon an M.P. for matters unconnected with his parliamentary functions, would not be held to be breaches of privilege, but would more properly be subjects of legal adjudication. The words to which you invite my attention appear to be of this latter class, and I do not think the House of Commons would hold them to be subject-matter for a claim of privilege."

*8th April.*—Mr. Gladstone has been speaking to me about the Chiltern Hundreds, objecting that a post of honour should be given to unworthy characters such as Edward James.

I do not myself see that the system of quitting Parliament is liable to such strong objections that it should be worth while to make a change. I showed Mr. Gladstone the discussion which took place on this subject in 1775 on leave asked by Mr. George Grenville to bring in a Bill: To enable the Speaker to issue his warrant to make out a new writ in the room of such members as should signify to him their desire of vacating their seats, under certain regulations. Ayes, 126; Noes, 173.

Mr. Gladstone tells me an arrangement has been made, altering the terms of the commission of the Chiltern Hundreds, striking out the words "denoting honour," etc.

*28th April.*—The House met after the Easter holidays

on Monday, the 28th. The House went into Committee of Supply about six o'clock, and by twelve o'clock had voted 101 votes in Supply.

*30th April.*—I have been named by the Queen as one of the Commissioners to represent Her Majesty on the occasion of opening the International Exhibition. I wrote to Lord Eversley to ask him how I should go dressed on such an occasion. He answered, in plain black gown and wig. I forwarded this opinion to the Lord Chancellor, who repelled the idea in a very amusing letter, and said he had settled to go in his gold gown; he saw no necessary connection between the gold gown and the gold coach. I have decided against the lumbering gold coach for many reasons:—

1. I should probably stick fast in the new granite.
2. I should have to go at a foot's pace while in company with others who could and would trot.
3. I could not bear to drag all the officers of the House and my servants on foot such a long distance.

I am not going to Court to pay my respects to the Queen; I am not going with the House of Commons as a body, and at their head.

*Thursday, 1st May.*—The opening of the International Exhibition took place this day at one o'clock. The House of Commons adjourned from Wednesday to six o'clock on Thursday to allow the attendance of the Ministers, of myself, and of the members generally at the ceremony. I had decided to go in my gold gown, but not in the lumbering

gold coach. I borrowed a good London coach of Lord Chesham. I put my coachman and two footmen in their State liveries. I added good cloths, and bows of ribbon to my horses' furniture.

At twelve, I set off to Buckingham Palace, taking Lord Charles Russell and the mace and my trainbearer in the coach. Arrived at Buckingham Palace they desired me to drive forward near the gate, as I was to lead the procession. Royal processions move in the inverse order of precedence, the lowest in rank going first. So my carriage was first, then Lord Palmerston, then Lord Derby, I think, Lord Sydney, the Lord Chancellor, the Archbishop of Canterbury, the Prince Oscar of Sweden, the Crown Prince of Prussia, the Duke of Cambridge.

We were not ready till a quarter to one. We were to be at the Exhibition Buildings at one. I led the way at a fair trot. (Where should I have been in my gold coach—leading the way at a foot's pace?)

We arrived at the building at one. The rest of the procession was arranged in the building, waiting for the Royal Commissioners to complete the line. I was to walk first (as I had led the way in my carriage). Lord Palmerston was desired to walk by my side. He said: "No, the Speaker should walk alone; I will follow". I said: "Of course, as you please, but I should think it a great honour if we might proceed together". Lord Palmerston said: "Oh, if you wish it, certainly".

We set off, joined the Ministers and others, and the procession was set in motion. We entered at the centre door,

and moved first to the western dome; there an address was presented to the Duke of Cambridge by Lord Granville, and a reply made by the Duke of Cambridge. We then proceeded to the eastern dome; the general effect was very beautiful. As we walked along I could gauge the popularity of Lord Palmerston. The moment he came in sight, throughout the whole building, men and women, young and old, at once were struck as by an electric shock. "Lord Palmerston! Here is Lord Palmerston! Bravo! Hurrah! Lord Palmerston for ever!" And so it went on through the whole building. One voice: "I wish you may be Minister for the next twenty years". "Well, not unlikely," said Lord Taunton, "he would only be a little more than a hundred."

At the west dome, music, and a prayer from the Bishop of London—Then the procession again formed, and we mounted to the picture gallery, and after a short visit our carriages were announced, and we went off, as we came, forming a sort of procession to Buckingham Palace—Then at once to our own doors—I got home a quarter before four. Everybody concurred in thinking the decision against the gold coach a very wise one. It was very fortunate I did so decide. The ceremony of the opening was most successful, and the general effect of the building very fine and imposing. The Japanese Ambassadors were present.

On Saturday, 3rd May, I attended a meeting of the Standing Committee of the British Museum, and succeeded

in accommodating a difference which had arisen on the Saturday before between Sir Philip Egerton and Mr. Panizzi, Lord Stanhope having been in the Chair. Sir P. Egerton, through me, expressed regret for the sharpness and asperity of his manner to Mr. Panizzi, whom he did not mean to interrupt in the discharge of his duties. Mr. Panizzi then, through me, expressed his regret that, under an impression that he was interfered with hardly in the discharge of his duties, he had been betrayed into unwise warmth in his reply.

*Thursday, 15th May.*—The Lord Chancellor in the House of Lords spoke as in the opposite page. (See *Times*, 17th May, 1862.)

*Friday, 16th May.*—Notice (also in *Times*) was taken of it in the House of Commons. I went to Lord Elcho in the morning and spoke to him of his indiscretion of having ventured to speak as he had done in the name, and on the behalf of, the House of Commons and of myself. He fully admitted it, and consented to accept my letter, and to read it to the House of Commons. The House took the thing well, and in a proper feeling, and it passed off.

Thus stood the notices for Tuesday, 3rd June, 1862 :—

#### *National Expenditure.*

1. Mr Stansfeld : That in the opinion of this House, the national expenditure is capable of reduction without compromising the safety, the independence, or the legitimate influence of the country.

to move an amendment himself, and gave his notice. Thereupon a meeting was held at Lord Derby's, and a resolution was arrived at: That an amendment should be moved on Lord Palmerston's amendment. If the Radical party, after having been beaten on their own motion, should return to the charge and support Mr. Walpole's amendment, it was calculated that a great majority might be obtained. If a majority was obtained, it might be time then to consider to what purpose it should be turned. If the majority should be large, a change of Government might be founded on such a vote. The calculation was that great damage must ensue to the Government. They might be compelled to accept the amendment; that would be a great humiliation. They might resist and be beaten. At Lord Derby's it was proposed to Mr. Henley that he should move the amendment; he would have had no objection, but he said his throat was so weak he could not speak, so Mr. Walpole was asked to undertake it, he not having been at the meeting. Mr. Walpole consented, got up in the House, and read out his notice at full length himself.

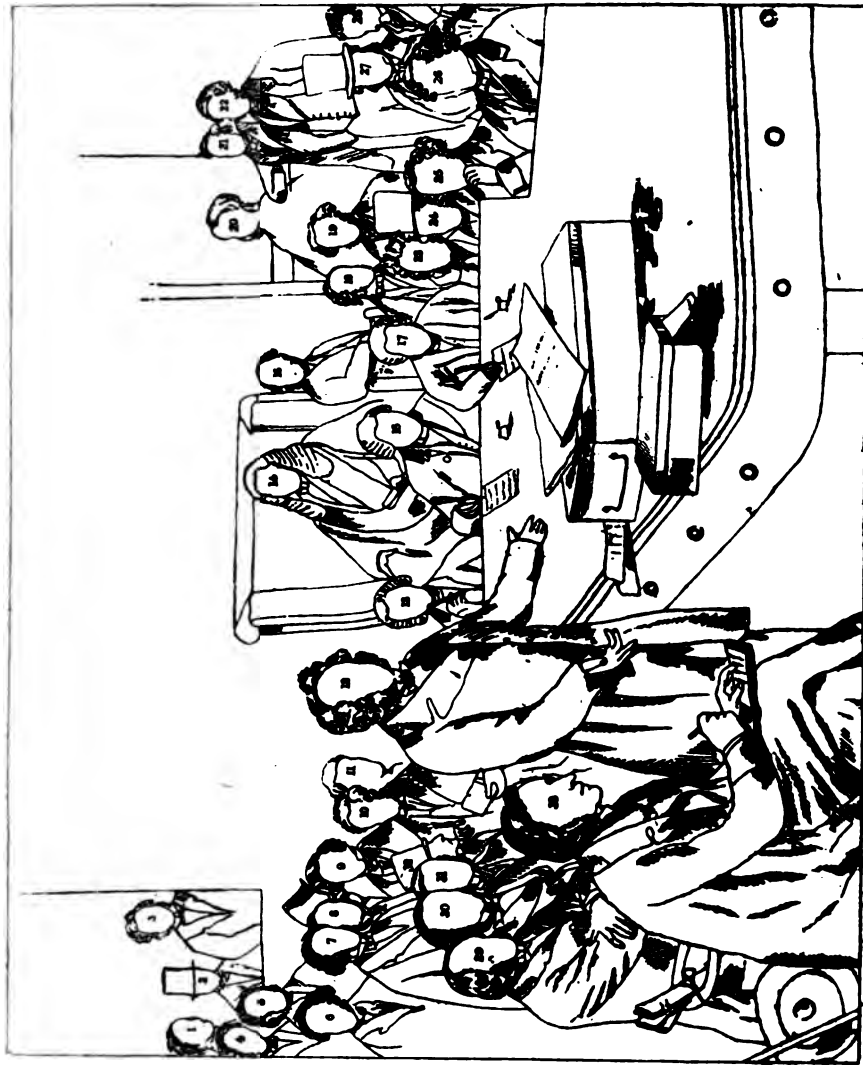
At the meeting of the House, Lord Palmerston got up to move the adjournment over Wednesday (the Derby day). He took that opportunity to ask Lord R. Montagu and Mr. Horsman to withdraw their amendments in favour of himself, and he said that Mr. Walpole's notice, emanating from a meeting at Lord Derby's, could be regarded only as a vote of want of confidence; he should so take it, and, if it was carried, those who carried it must be prepared to



*Lord Palmerston's Cabinet, 1852.*

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ASTOR, LENOX AND  
TILDEN FOUNDATIONS.



1. Edward Ellice.
2. Sir F. T. Baring.
3. Lord H. G. Vane.
4. Richard Cobden.
5. John Bright.
6. Lord Elcho.
7. Edward Cardwell.
8. Sir Roundell Palmer.
9. Milner Gibson.
10. C. P. Villiers.
11. W. Massey.
12. Lord Palmerston.
13. Sir Denis le Marchant.
14. Speaker Denison.
15. Thomas Erskine May.
16. Lord Charles Russell.
17. Mr. Lee.

18. Sir John Pakington.
19. Sir H. M'C. Cairns.
20. Colonel J. W. Patten.
21. Sotherton Estcourt.
22. Lord John Manners.
23. Sir E. L. Bulwer Lytton.
24. General Peel.
25. Lord Stanley.
26. B. Disraeli.
27. Spencer H. Walpole.
28. J. W. Henley.
29. Lord John Russell.
30. W. E. Gladstone.
31. Sir George Grey.
32. Sir Charles Wood.
33. Sir George Cornewal Lewis.

KEY TO PLATE.

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take the consequences of their own act. On this Mr. Walpole took alarm, and got up, and said : This was a most important communication, quite unexpected by himself, and, under such circumstances, he must take time to consider what course he should pursue. He should probably not move his amendment, as he was not prepared to accept such consequences himself.

As soon as Mr. Stansfeld and Mr. Baxter, the seconder, had done speaking, Lord Palmerston rose and made a capital speech, and moved his amendment. Disraeli followed, making a very good speech also, keeping his head and his temper under very trying circumstances ; his flank turned, his camp in fact taken behind him. At the end, referring to the sports of the morrow, in which many of his friends would take more interest than he should himself, he hoped that it would not happen to them as had happened to him—his favourite having bolted.

Later in the evening Bernal Osborne said something had been said of the favourite having bolted. That did not seem to be the case. He had not bolted, but somebody had "got at him".

The evening ended with a large division against Stansfeld's motion—367 against 65—and no further amendments were moved and no further divisions took place.

It was altogether a most singular evening. It began in rather a disorderly and noisy manner. The House was excited. Lord Palmerston spoke on moving the adjournment. The motion was put and carried before Lord R. Montagu rose, so his speech and the others which

followed were made without any motion being before the House.

Three French gentlemen had dined with me at two o'clock, and they had been to the House of Lords, and had heard the royal assent given to Bills, and in the House of Commons they heard an unusual amount of noise and tumult.

Probably it was without precedent that a member, having given notice of an amendment to a resolution to be moved by the Prime Minister, acting as the mouth-piece of a great party, refused at the last moment to move the amendment on the ground that it might damage the Ministry, which was the very object for which it had been concocted. If Mr. Walpole was right in declining to move his amendment, he could not have been right in giving notice that he should propose it.

Lord Palmerston has spoken admirably well this session. It is not that the House respects a public servant who has done great service ; that they are indulgent to advanced years. It is that he still can make a better and more effective speech than any other man, taking the House between wind and water with wonderful skill ; that he has more vigour and force about him than the younger men. On the night of the Tax Bills, Sir Stafford Northcote spoke first. Disraeli was absent from the House, having just slipped out. Mr. Gladstone was very reluctant to rise. He waited till the last moment : then he got up. Disraeli returned into the House after a few minutes, and as soon as Mr. Gladstone sat down, Disraeli rose with severe and hostile comments. Lord Palmerston saw that

he must reply. He kept himself awake, and made a most capital speech, fairly smashing Disraeli. This odd circumstance happened, showing Lord Palmerston's composure : It was past nine o'clock when Disraeli was speaking. I was tired of sitting from four till nine ; and, seeing that Lord Palmerston was likely to speak, I asked Sir W. Dunbar to go to him and ask him whether he would like to speak immediately after Disraeli, or whether he would mind my going to tea first. He answered : " Tell the Speaker he may go and drink tea, and stay away five, ten or twenty minutes as he pleases ". I returned in about seven minutes, and I saw Lord Palmerston on the Treasury bench with his head down, just going off into a nap. He rose like a giant, and played with his subject, making a most able and effective speech.

As Lord John Russell said, *apropos* to Mr. Pitt's young age, when he became Prime Minister : " Yes, said Lord John, some men reach the maturity of their intellects at twenty-one, like Mr. Pitt, and some at seventy-one, like Palmerston ".

16th June, 1862.—Transfer of Land Bill Committee. Motion made : That I do leave the Chair. Amendment proposed : That the Bill be referred to a Select Committee.

While the debate was going on, a question was asked me whether the next Bill, relating to land also, could be referred to the same Committee.

From the journal office this precedent was sent me :—

1856, 17th July.—Order of the day for Committee on

Dublin Hospitals Bill—Amendment: That on this day three months the House will resolve itself into the said Committee. Question: That the words proposed to be left out stand part of the question. Ayes 53; Noes, 22. So resolved in the affirmative (*i.e.*, that I now leave the Chair).

But instead of this the journal goes on: The Order of the day being read for the Committee on the Burial Grounds Ireland Bill—Ordered: That the Hospitals Bill and the Burial Grounds Bill be committed to the same Committee—Ordered: That the Speaker do now leave the Chair.

How was this done?

*18th June, 1862.*—Mr. Martin's Bill to alter Tippling Act—to alter the law as regarded spirits. An instruction to the Committee moved to include the sale of beer, wine and cider. Objection taken that as the trades were distinct, and Bill to alter the beer or cider trade should commence in a Committee of the whole House by moving an instruction to the existing Committee on spirits, you gave the go by to this preliminary stage. The objection was started by Sir George Grey, and I held that it had force. Instruction withdrawn.

*24th July, 1862.*—In Mr. Hunt's Jury Bill there was a clause exempting certain persons from acting on juries. To these the Lords added pharmaceutical chemists and veterinary surgeons. Sir George Grey proposed to disagree with the Lords in the amendment. There were even numbers:

Ayes 52 ; Noes 52. I said : " The House had sent the Bill to the Lords in a certain shape, and with certain exemptions, to which the Lords had added others by way of amendment. I should propose to give my vote so as to give effect to what appeared to have been the intention of this House, so I give my voice with the Ayes—*i.e.*, to disagree with the Lords in the said amendment."

*Metropolis Local Management Acts Amendment Bill.*

31st July, 1862.—When this Bill was introduced into the House there was nothing which affected the existing constitution of vestries. In its passage through Committee a clause was introduced and adopted, lowering the qualification for vestrymen from forty-six to twenty-five. In the Lords this clause was struck out. How did this affect privilege? The point was a good deal considered. Mr. Jones thought it directly affected privilege. Mr. Rickards was of the same opinion. Mr. May thought there was a distinction between the striking out of the clause and amending it, which removed it from the ground of privilege. I had considerable doubts about it myself, but the precedents that were found in the end satisfied me that, at all events, it was a fair question for the consideration of the House, and if an objection had been taken I intended to place the precedents before the House, and to ask the House to assist me with its judgment. But no exception was taken, and I allowed the matter to pass. The case to have been submitted to the House would have been thus : The clause in question altered the existing constitution of vestries.

Had the Lords by way of amendment of the clause altered the constitution of vestries, as settled by this House, it would have been an infringement of the privileges of this House ; but, according to an established practice, the House has drawn a distinction between the omission of clauses comprising a *distinct subject* and the amendment of any clause involving privilege. For example: In the District Lunatic Asylums (Ireland) Bill, 1846, there were several clauses providing salaries and superannuation allowances for keepers and officers of district asylums. The Lords could not have amended these clauses, but they omitted them altogether, and the Bill was accepted by this House.

In 1844, the Bill for the regulation of the office of coroner contained a clause allowing certain travelling expenses to the coroner in the discharge of his duties. This clause could not have been amended by the Lords, but it was omitted on the principle that has been stated above.

In 1860, the Turnpike Trust Arrangement Bill contained a clause extending the Acts 14 & 15 Vict., cap. 38, for facilitating arrangements with creditors of turnpike trusts to cases in which the revenues of turnpike trusts were insufficient for the payment of interest on debts. The Lords struck out the clauses which they could not have amended.

The Poor Relief (Ireland) Bill of 1860 contained clauses affecting charges on the poor rates. The Lords omitted all these clauses, and reduced the Bill to the form of a simple continuance Bill.

In the Prisons (Scotland) Bill (I think 1860) provision

was made for the constitution of prison boards throughout Scotland, and in the schedule to the Bill the several boards were enumerated, and the number of members representing each district defined. As these were taxing boards the Lords had no power to amend their constitution, but they wholly omitted from the schedule the boards of Edinburgh and Forfar. The Commons did not take exception to this on the ground of privilege.

*Session 1863.*

1863.—Sir Frederick Smith brought me a letter from a Mr. Reid, employed by the Admiralty in the dockyards. Mr. Reid had been sitting in the House, and had heard Sir Frederick Smith make a speech in which he depreciated the talents and services of Mr. Reid. Mr. Reid wrote a very foolish and offensive letter to Sir Frederick Smith. Sir F. Smith brought this letter to me and asked my advice.

I pointed out to Sir Frederick Smith that this was a private letter to himself. It was not as if he had been attacked by a letter in the newspapers. I thought the best course for Sir Frederick Smith would be to write to Mr. Reid, to point out to him the impropriety of his conduct, to tell him he had committed a breach of privilege for which he might be summoned to the Bar, that he did not wish to have recourse to such means, but he must call upon him for an ample apology.

If Mr. Reid had declined, then Sir Frederick Smith would have come to the House of Commons with a strong and complete case. But Sir F. Smith was urged by his friends to

push on the case; there was a wish to punish the poor Government official. So Sir F. Smith brought forward the letter, and Mr. Reid was summoned to the Bar for the next day.

Mr. Reid offered a full apology. How was he to be treated? In the case of Abercrombie and Menzies in 1822—a much stronger case—there was no admonition, no reprimand. But Mr. Menzies was called to the Bar and was told by the Speaker that his apology had been accepted. I proposed to omit this stage of the proceedings. It was hardly dignified to call a man back to the Bar to tell him you had got nothing to say to him.

The Solicitor-General thought that, as his letter had been voted a breach of privilege, we could not pass it by more lightly; but he agreed with me in the end, that a motion might be made dispensing with the further attendance of Mr. Reid. I recommended Sir Frederick Smith himself to make this motion, which he did. I told him that he would by so doing certainly place himself in the best position towards the House.

*Mr. Hadfield's Bill: Abolishing Affirmation in certain cases  
—Qualification for Affirmation Abolition.*

A great whip was made to throw out this Bill on the third reading—I saw that the division would be very close—I considered what course I should take if I had to give the casting vote. The numbers were: Ayes, 175; Noes, 172.

I decided to take this course. I should have said: That it would have been a satisfaction to me if the House could have decided the question for itself. I proposed to give it

another opportunity of so doing on the Bill. That these words be here inserted, or that the Bill do pass. In order to afford this opportunity I should have given my vote with the Ayes. If on a second division the numbers had still been equal, on the decision on the last resort being put to me, I should have voted in its favour, and given my vote with the Ayes. (This would have been a course opposite to that which I pursued about the Church Rates Bill on the third reading, but the case was a very different one.)

*Marriage of the Prince of Wales and the Princess Alexandra of Denmark, in St. George's Chapel, Windsor, at about one o'clock.*

*Tuesday, 10th March, 1863.*—We went in a special train from Paddington to Windsor, leaving 10·30, and being an hour on the road. Carriages were ready to take us to the chapel. Lady C.<sup>1</sup> posted down in her own carriage, leaving 8·30, reaching St. George's Chapel at a quarter past eleven; she escaped much cold and draughts by this, and greatly preferred it. I went in my black velvet suit. The Lord Chamberlain said that was the proper dress. He told this to the Lord Chancellor, who, however, would go in his gold gown and his wig. The Lord Chamberlain said: We had no function to perform; we had no part to play in the ceremony, we were invited guests like others. I followed the advice of the Lord Chamberlain; the Lord Chancellor went in his gold gown. The seat allotted to me was the dean's seat, close by the door. It was a very magnificent

<sup>1</sup> Lady Charlotte Denison.

sight—rich, gorgeous and imposing. I don't know how I could say enough about the magnificence of the spectacle. The pageant was admirably got up, and was well performed throughout. Beautiful women were arrayed in the richest attire, in bright colours, blue, purple, red, and covered with diamonds and jewels. Grandmothers looked beautiful: Lady Abercorn, Lady Westminster, Lady Shaftesbury. Among the young, Lady Spencer, Lady Castlereagh, Lady Carmarthen, were most bright and brilliant. The Knights of the Garter in their robes looked each of them a fine picture—Lord Russell looked like a hero who could have walked into the castle court and have slain a giant. The Queen sat in her closet on the left hand side of the altar, looking up the chapel and high above it. But she did not affect any concealment. She looked constantly out of the window of her closet and sometimes leaned over, with her body half out of the window, to take a survey down the church. She was dressed in plain black up to the throat, with the blue ribbon over her shoulder, and a sort of plain mob cap.

As each of the royal persons with their attendants walked up the chapel, at a certain point each stopped and made an obeisance to the Queen: the Princess Mary, the Duchess of Cambridge, the Princess of Prussia, the Princess Alice of Hesse, the Princess Helena, the Princess Christian, etc.: each in turn formed a complete scene. The Princess Alexandra with her bridesmaids made the last and the most beautiful scene. The Princess looked beautiful, and very graceful in her manner and demeanour. When her

eyes are cast down she has a wonderful power of flashing a kind of sidelong look.

13th April, 1863.—It was proposed by a vote of the House to postpone a vote about to be taken in the Committee of Supply. It was not put formally to the decision of the House, but, as the estimates had been referred to the Committee of Supply, it was for the Committee to decide in what course the votes should be taken. The House by a vote might have rescinded the vote referring the estimates to the Committee, but should not interfere to dictate the course of business in the Committee.

On Tuesday morning, 15th April, news reached London of the death of Sir George C. Lewis at his country house. He was attacked by bilious fever, which carried him off in a few days. When the House of Commons met, after doing all the private business and receiving petitions and notices of motions, when Mr. C. Buxton rose to move the *Repeal of the Act of Uniformity*, Mr. Walpole rose, and in the end Mr. C. Buxton gave way. Mr. Walpole moved: That out of respect to the memory of Sir George Lewis the House should adjourn. Lord Palmerston came in while Mr. Walpole was speaking. He had no option left him as to his course. He seconded the motion in a few words. Mr. Disraeli paid a just tribute to Sir George Lewis's memory, and the House adjourned.

I thought this a very unadvised course. People from both sides came to speak to me about it beforehand. I said if I was consulted I should strongly deprecate any

such course. It would be laying the foundation for great difficulties. The House of Commons would have to sit in judgment on each of its members who should die, whether there was sufficient respect for their memories to induce the House to adjourn. Questions would be raised, differences of opinion would arise, which would be most painful. Lord Palmerston in the morning, speaking to Mr. Brand, thought it would not be a proper course to propose.

The next day I spoke to Mr. Disraeli, and set before him the objections which presented themselves to my mind. Mr. Disraeli said he entirely agreed with me ; indeed, he had at the first moment felt all these objections most strongly, so much so, that when he came into the House he would not listen to a proposal to adjourn the House ; he would not do it himself, or in any way countenance it. Mr. Walpole took it upon himself to make the motion. It was observed as a very strong reason against Mr. Walpole's doing this, that he had given notice to Mr. C. Buxton that he was about to move the negative to his motion, therefore great reserve indeed should have been shown in taking any step which put an end to that motion indirectly.

The form of the motion was most objectionable : an adjournment with *motives assigned*. This must be altered, and it cannot be so placed in the journals. The motion : That this House do now adjourn, has been always put as a simple motion not capable of any amendment being moved upon it ; but if one assigns motives, then counter motives may be proposed, and an amendment might be moved. It is contrary to the usage of the House to adjourn on such

an occasion. The subject has been often considered, and it has been thought best to keep as clear as possible from all these personal questions. In times of high party excitement objections would constantly and certainly be made. There used to be a usage of making some observations on moving the writ for a member deceased, but this was thought a thing rather to be avoided than pursued, and it has been given up.

The only two precedents in this century were the case of Mr. Percival, assassinated in the lobby. This forms no precedent ; everybody was under such strong excitement, and busy running after the assassin. In the case of Sir Robert Peel, Mr. Hume walked into the House on a Wednesday evening, when no Minister was present, announced that Sir Robert Peel was dead, and moved the adjournment of the House. Mr. Lefevre altered the form of the motion in the journals and struck out the motives.

I spoke to Mr. Walpole, who quite consented and concurred as to the form of the entry, and I have had the entry made in the journals in the same form. Notice taken of the death of Sir George Lewis—The House adjourned. I mentioned to Mr. Walpole my objections to the course he had pursued, but he defended himself, saying : “ It was an exceptional case ”. That is to say : In his view it was exceptional ; indeed, one of his reasons was that he had been at school with Sir George Lewis. But to another member the next case may be an exceptional case.

*Lord Robert Cecil on Second Reading of the Customs and  
Inland Revenue Bill.*

In the Income Tax Acts charitable trusts were exempted from the operation of the tax. Lord Robert Cecil's argument was that the repeal of an exemption constituted a new tax or charge upon the people, and that a distinct resolution to that effect ought to have been moved in a Committee of the whole House. Lord Robert Cecil referred me to two cases quoted in Hatsell, which I examined.

Lord Robert Cecil's position would not stand the test of examination. The Chancellor of the Exchequer has moved a resolution of a general nature, comprehending every description of property *chargeable* with the tax. This was all that was necessary to be done. With regard to the cases quoted in Hatsell, on examination they did not bear on the point at issue. In the case of the Receipt Duty Bill, 1784, the Bill was merely for the purpose of amending and explaining a former Act. There had been no preliminary resolution, as no increase of taxation was contemplated. During the progress of the Bill, it was proposed to repeal an exemption under that Act, and as there had been no preliminary resolution authorising new charges, it became necessary to submit the clause to a Committee of the whole House before the clause was added to the Bill. Indeed, in the Property Tax Acts, the property was not only chargeable, but charged, and then the exemption took place. This made the case even more strong against Lord Robert Cecil.

1754, 2nd May.—The resolution referred to bills, drafts, orders and promissory notes only. It was discovered that an old Act of Parliament exempted the acknowledgment of bills of exchange from the stamp payable on receipts, therefore a Committee was necessary to repeal that exemption.

I told Lord Robert Cecil that there had been no failure in point of order, and that his objection could not be sustained. He therefore moved his amendment generally against the second reading, and took an opportunity in his speech to make as much as he could of the point of order, insinuating that it was an attempt at sharp practice by the Chancellor of the Exchequer.

I pointed out to Lord Robert Cecil that points of order ought to be discussed simply on their own merits, and apart from the subject-matter in which they might arise; that passion should not be mixed up with these considerations. If, therefore, he wished to stand on the point of order, then he ought to move it on reading the Order of the day. This he declined to do, as it would not have suited his main object.

*Mr. Walpole on Report of Supply.*

28th May, 1863.—This resolution was reported from the Committee of Supply. Mr. Walpole moved the amendment; the same amendment had been moved in the Committee. Objection was taken to the form of the resolution; no direct appeal was made to me upon the point as a point of order. It was urged, with this precedent: you

will have conditions annexed to votes by individual members, but that appeared to overlook the fact that it was the Crown who asked for the money for a particular object, and it made the application in a particular form, which defined and limited the object. The Crown wanted the money for one purpose, and exactly defined that purpose.

It was also competent for the House to make the amendment proposed (unless it could be shown that it increased the charge upon the people). I found the following precedents for the House putting a condition on a vote reported from the Committee of Supply :—

1823, 1st July.—“ Resolved that it is the opinion of this Committee that a sum not exceeding £40,000 be granted to His Majesty towards defraying the expense of buildings at the British Museum for the reception of the Royal Library and for providing for the officers of the said library.”

On the report of this resolution an amendment was proposed to be made to the said resolution by adding to the end thereof the words: “ But that it is expedient before any such building be undertaken that a general design with plans and estimates be prepared under the direction and subject to the approbation of the Lords Commissioners of the Treasury of a suitable edifice for the reception of the several collections of the British Museum, and that the works which may from time to time become necessary shall be executed in conformity with such general design ” (Ayes, 86 ; Noes, 54).

1766, 20th December.—“ Resolved that a sum not exceed-

ing £500,000 be granted to His Majesty upon account, to enable His Majesty to make such temporary advances by way of loan, for the service of the emperor, at such times and in such manner as His Majesty may judge most expedient, with a view to the prosecution of military operations in an early period of another campaign."

It was proposed to add by way of amendment these words: "Whenever the engagements respecting the late convention shall have been fulfilled on the part of His Majesty or satisfactory reasons given to this House for the failure in these engagements"—Put and negatived.

*Monday, 1st June, 1863.*—In the Inland Revenue Bill Mr. Hunt moved a clause exempting appointments under the Highway Bill from stamp duty. Mr. Hunt spoke and brought up his clause. Mr. Gladstone rose immediately after Mr. Hunt and spoke against it. One or two others spoke. Mr. Hunt spoke a second time, and Mr. Gladstone spoke a second time. Mr. Lygon rose to order that Mr. Gladstone could not speak a second time. Mr. Hunt might speak a reply, but not Mr Gladstone. I said at the moment Mr. Gladstone was speaking on the motion that the clause be read a second time.

Mr. Lygon afterwards in private said: "No one had heard the Minister put that the clause be read a second time". On examination I found that Mr. Gladstone rose so quickly after Mr. Hunt that the question was not proposed. I wrote a note to Mr. Lygon to tell him that I found this to be the case; that he was well-founded in his

call to order. I regretted very much that the omission had taken place ; that I wished all business to be conducted quite correctly, and I wished always to give my support to gentlemen who assisted me in preserving order, and especially to a member who, like himself, took so much pains to make himself master of the rules of the House.

Under the present Standing Order the force of moving a clause on the report is this : The member may make a statement and bring up the clause. It is to be read a first time without motion made. On the motion that the clause be read a second time, any member may speak once. The mover may speak a second time by indulgence only, but he can speak again by right on the question that the clause be added to the Bill, this giving him, in fact, a reply.

*4th June, 1863.*—Mr. Tollemache wishing to make a personal explanation as to some observations of Mr. Gladstone's about the Committee on the Holyhead packet—Then rose Colonel Douglas Pennant—Mr. Gladstone explained—Then rose Mr. H. Herbert—I had to interfere. Mr. Herbert moved that the House do adjourn. Then Mr. Hennessey spoke, all attacking Mr. Gladstone—I had again to interfere. Then Lord Robert Cecil tried to get a stronger expression from me about Mr. Gladstone's words, but without success. The whole thing was verging on great irregularity, reference to past debates, etc. Still a personal explanation could hardly be permitted, and so the thing grew in dimensions, always growing more irregular as it went on.

The House was in a touchy, irritable state ; the slightest

step on my part might have raised a storm. It was a flare up all in a moment. But such is always the case with the sharpest hurricanes. The barometer gives no notice.

*Point of Order (see "Times").*

It seems that there is the power to move an instruction to the gentlemen ordered to bring in the Bill. Any question at all on the motion: That Messrs. So-and-so bring in the Bill, has been so rare—and of late years does not seem to have ever occurred—that I suspect when the limitations as to opportunities of speaking were made, and the first reading was to be made without debate, this motion was overlooked.

*Religious Endowments (Ireland).*

Mr. Dillwyn gave notice of a motion for a Committee on the affairs of the Irish Church. Mr. H. Seymour gave notice of an amendment to this motion. Mr. Bernal Osborne gave notice of an amendment on the event of Mr. Seymour's being withdrawn.

When the debate took place, at the conclusion of the first evening, and on the question of the debate being adjourned, Mr Bernal Osborne said he would bring forward his amendment on going into Committee of Supply.

Could Mr. Bernal Osborne bring forward his amendment on going into Committee of Supply? He would be anticipating a discussion set down and ordered by the House for a later day. Is the proposed amendment the same subject-matter as the original motion? It resembles in terms so

closely the original motion of the member for Swansea, that the House could not appoint two Committees to consider matter so nearly identical.

Without, therefore, presuming to place limits to the power of the House generally to move amendments on going into Committee of Supply, it would seem to me that, in this particular case, the notice would fall within the rule that forbids a member, where a motion has been set down for discussion on a future day, to anticipate the discussion by a motion or an amendment on an earlier day.

*11th June, 1863.*—I was asked by Mr. Dillwyn whether Mr. Bernal Osborne could bring on his motion. Mr. Bernal Osborne talked the matter over in private half an hour before, and himself thought he would not be in order. I said: It was not my province to give opinions by anticipation; that the hon. member seemed to have great doubts himself about the propriety of his notice. I should be happy in private to confer with him, or if the motion was proposed, it would then be for me to give an opinion about it.

*18th June, 1863.*—Notice altered by Mr. Bernal Osborne: That a Select Committee be appointed to inquire into the present ecclesiastical settlement of Ireland.

In the end Mr. Dillwyn moved to discharge the Order for his motion, and it was discharged, and on the following day, 26th June, 1863, Mr. Bernal Osborne moved his amendment on going into Committee of Supply.

*Fisheries (Ireland) Bill (see "Times").*

11th June, 1863.—In considering this notice of Mr. Butt's, it appeared that as it was a motion made to discharge an Order made by the House, the speech was addressed to the House quite properly and not to myself. I therefore took care to keep quite within my province, to submit the decision to the House, asking whether it would be the pleasure of the House that I should remind them exactly of the practice which had been pursued.

I was very glad I took this course, which was well received, and my statement carried with it all the force of a decision. Lord Palmerston hoped, after the statement, the hon. members would not think of putting the House to any further trouble—Motion withdrawn.

18th June, 1863.—Second reading of Public Works (Manufacturing Districts) Bill.

Title of the Bill.

Mr. Hennessey had said: That he should object to this Bill having been brought in without a Preliminary Committee. That no precedent existed for a Bill of this nature having been brought in, except in a Committee of the whole House.

However he did not raise the objection. I had the precedents looked into, and I place them on record for another day. As a general rule, in cases where the Exchequer Loan Commissioners are empowered to make advances of money out of funds in their possession at the

time, no Preliminary Committee is necessary, nor are the money clauses printed in italics. The money has been voted ; no new charge is imposed.

In cases where the money had to be supplied to the Exchequer Loan Commissioners then a Committee of the whole House is needed to give effect to the money clauses. The usual course has been to bring in the Bill without a Committee. The main object of the Bill is to promote some public work ; the loan of money is incidental. The money clauses are printed in italics, and are referred to a Committee of the whole House. The money too is only a loan, to be repaid out of local rates.

1842, 5 & 6 Vict., cap. 89.—Drainage of lands, Ireland. Money may be borrowed from the Public Works Loan Commissioners—Bill brought in without a Committee.

1846, 9 Vict., cap. 1.—Bill for the amendment of the Acts for the extension and promotion of Public Works in Ireland. Commissioners of Public Works may make additional grants to the extent of £50,000, and Commissioners of the Treasury may grant £50,000. So much of clauses as relates to Commissioners of Public Works printed in Roman letters, so much as relates to Commissioners of the Treasury in italics.

9 Vict., cap. 4.—Drainage Act, Ireland. Committee of Public Works may lend money on security of tolls for making any river navigable—No Committee. Clause 10: Treasury may advance money to pay preliminary expenses. Clause 51: Treasury may make temporary advance—Resolution in Committee.

1847, 4th Feb.—Bill to encourage the formation of railways in Ireland (Lord George Bentinck). Advance of £16,000,000 sterling. Almost the whole Bill in *italics*—Brought in without Committee.

So Metropolis Main Drainage. £3,000,000 advanced on security of local rates—No Committee.

I caused a further search to be made, to see if there were any precedents the other way. One was found, 29th April, 1817 (72 *Commons Journals*, 220).

Exchequer Bills for Temporary Relief. On report from Committee of the whole House, to consider the issue of Exchequer Bills for purposes of local and temporary relief upon due security given—Bill ordered (57 George III., cap. 34, 1-24).

The probable explanation of this seems to me : This is a Bill, *the title of which* is to *consider* the issue of *Exchequer Bills* as if this was the main object of the Bill. The purposes are for local and temporary relief not defined. So the Bill was brought in on report from Committee.

1822, 16th May.—Bill to give employment to the poor in certain districts in Ireland—Brought in without a Committee.

1822, 17th May.—House resolved itself into a Committee to consider of authorising the lord-lieutenant to advance certain sums out of the Consolidated Fund for making or repairing roads, or carrying on other public works.

This is the opposite of the precedent over page. This is in accordance with recent practice, and, as far as I have discovered, the Bill, 29th April, 1817, for the Issue of

Exchequer Bills seems to be the only Bill of this nature that has been brought in a Committee of the whole House.

*Monday, 22nd June, 1863.*—Lord Palmerston had agreed to give Mr. Hennessey the evening of Monday for a debate on Poland. Lord Palmerston on rising to move that the Order of the day be postponed till after the motion on Poland was met with a remonstrance. Mr. W. Beaumont invited Mr. Hennessey to put off his motion. Mr. Kinglake urged the same, and Lord Enfield. The voice of the Noes preponderated over that of the Ayes. A division was taken, and a large majority, about 160 to 100, voted against the postponement of the Order of the day.

Notice was taken that the effect of this vote was to make uncertain all arrangements entered into between independent members and the Leader of the House, and no doubt this objection was a valid one. But the general sense of the House was against proceeding with a debate on Polish affairs.

*London, Chatham and Dover Railway Bill.*

That the Bill be read a second time. Alderman Sidney, who should have proposed that the Order should be put for the next day, Friday, proposed Monday. It was understood this had been done by consent; indeed Mr. Cunningham, who was interested in the Bill, and was present, said that he imagined the day had been named by consent.

The House having fixed the second reading for Monday, was most indisposed to discharge the Order with a view of

reading the Bill a second time on an earlier day. The difficulty was got over by a proposal that the Standing Orders in the next stage should be suspended, so as to put the Bill into the same position as it would have occupied if it had been read a second time this day.

*Inland Revenue and Customs Consolidation.*

Select Committee had been sitting through two sessions. Mr. Horsfall and Mr. Bouverie came to my Chair while the House was sitting to ask my opinion about an event which had occurred in their Committee. Mr. Horsfall had been elected Chairman of the Committee and had conducted the enquiry through two sessions. He presented his report. This report the Committee rejected by six votes to five. Mr. Cardwell, one of the majority, then proposed his report. At the next meeting of the Committee Mr. Horsfall declined to take the Chair, and said he had resigned the Chair, and he proposed that Mr. Cardwell should take the Chair. On this the Clerk objected, that there was no one authorised to put the question. They decided to refer the matter to me for an opinion. I said : I should not pretend to give anything like a decision, but I would give my opinion on the point, as it struck me from the statement that had been made.

The Chairman having been elected into the Chair, and having accepted the post with a full knowledge of its duties and liabilities, ought to go through with the duties. Reasons of a personal nature, failing health, or a feeling that he was unequal to the task, might afford sufficient

reasons for wishing to be released. But after having exercised all the power and influence which belonged to the Chair, then to vacate the Chair in order to have the privilege of giving a vote and altering the balance of opinions, seemed to me contrary to the spirit of our proceedings. They said they would accept my decision. I answered : It was not offered as a decision, but such were my impressions.

The Chairman, Mr. Horsfall, went back to the room and took the Chair. A member moved : That they should report the evidence and make no report of opinions ; and such was the conclusion of an inquiry which had run through two sessions.

*22nd July, 1863.*—Objection taken by Mr. Hennessey that a Bill expurgating the statutes dealt with matters relating to religion and trade, which ought to originate in a Committee of the whole House. Such Bills, where introduced in the House of Commons, must be introduced in a Committee of the whole House ; but that rule does not apply to Bills coming from the Lords.

*23rd July, 1863.*—We have had a good deal of discussion in private about Lord Eversley's rule of treating the Appropriation Bill strictly as a Bill in its stages—any matter introduced must be relevant to the Bill. That is all very well, but every vote of the year, embracing almost every subject, forms part of the Bill.

In reference to diplomacy Mr. Seymour Fitzgerald made a speech about Schleswig and Holstein. In reference to the

payment of police Mr. Cobden made a speech about the manner the police had proceeded as regarded ships building for the North Americans. Lord Palmerston thought it quite right to give ample latitude.

*Session 1864.*

1864.—Lord Palmerston was born in 1784. He is therefore in his seventy-ninth year, going on for eighty.

*4th February, 1864.*—On the first night of the session he was called up to speak earlier than he expected to answer Mr. Disraeli. He began rather feebly for the first few minutes, then he improved and gathered strength, and spoke very well and very efficiently.

*9th February, 1864.*—On the burning of Kagosima—Mr. Buxton's motion. He spoke towards one o'clock in the morning; spoke very well, and with full force and vigour.

*4th February, 1864.*—Joint Committee of the two Houses. Five members of each House proposed by Mr. Milner Gibson—Plan accepted by the House—Five members of the House of Commons appointed—Communicated by message to the Lords—House of Commons propose equal numbers. On former occasions the Commons claimed double numbers, as in the case of conferences. Lord Eversley was unfavourable to the measure. I saw no objection to it. It seemed the best mode of meeting a great difficulty about the railways proposed for the metropolis.

*Monday, 8th February, 1864.*—On question that the Queen's Speech be considered, and that supply be granted Her Majesty, Mr. Bentinck claimed to speak. He brought precedents of speeches of Mr. Hume's and others (February, 1856). Mr. Lefevre ruled: "That as the matter could not be presently entered upon, there could be no debate". I very much doubt whether debate can be thus tied up and restricted. Certainly there is an objection to debating the topics of the Queen's Speech, because the speech has been considered, the Address voted and reported, and communicated to the Crown. It would be inconvenient in such a state of things to reopen the Queen's Speech to debate.

Mr. Bentinck said he wanted to ask a question only. I did not interpose to prevent the question being asked. No doubt this opens the door to such general discussions as arise on going into Supply. The occasion arises only once in a session; my inclination would rather be not to attempt to tie up the House too tightly on this single occasion.

I have had a good deal of consultation with Mr. Milner Gibson on the subject of private business, and with Mr. Frere on the subject of the charges of parliamentary agents and solicitors.

*22nd February, 1864.*—Mr. Seymour Fitzgerald moved for papers about the ironclad ships detained in the Mersey.

1. Set of papers—Correspondence between the Government and Mr. Adams.

2. Papers between the Government and Messrs. Laird.

The first papers were granted; the second refused on the

ground that they related to a case now pending in a course of law, and their production might prejudice the course of justice. There was a great whip, and it appeared doubtful who might win. I might have to give a casting vote. I should have said the motion referred to two sets of papers. The first, bearing on the conduct of the Government, were granted; the second were refused on the ground that they were related to a case now under trial. The House was divided in opinion as to the propriety of granting these papers. I hoped the House would think that I showed a proper reserve, and if I erred, that I erred on the right side if, in a case so doubtful and so disputed, I declined to take upon any single vote the responsibility of compelling the production of these papers. I should vote with the Noes.

*3rd March, 1864.*—Lord Palmerston has been unwell with a cold, and with gout in his hand.

On Monday, 1st March, Mr. Disraeli, on going into Committee of Supply, without any notice made a severe attack on the foreign policy, and mainly on Lord Russell. Lord Palmerston was roused. He rose with great vigour and energy, and made a most telling and effective reply. Mr. Disraeli had spoken of such and such things as diplomatic rubbish. Lord Palmerston: "There was such a thing also as parliamentary rubbish".

On Wednesday, 3rd March, the House was up very early. I went to the levee at two o'clock. Lord Palmerston said to me: "You have a levee, I think, this evening?" I said, "Yes. You have done me the honour to attend several of my levees. As I meet you here this morning might

we exchange bows." "Oh no, it is no trouble to me, not the least ; quite a pleasure." He came and walked about for an hour, chatting and talking with men of all parties. Some young Tory members asked to be introduced to him.

Major Edwards made this motion ; it was negatived only by a majority of one. A few days after Major Edwards came to me with a resolution in something of this form : "It is expedient that when any corps of yeomanry cavalry shall have petitioned the Crown for leave to assemble for training, that permission should be granted".

I pointed out the rule that a question once decided should not be brought forward again in the same session. I showed what a sound rule this was. I said if such a resolution was moved I should be obliged to give an opinion that it was an infringement of the rule. Major Edwards gave up his intention.

Not long afterwards a large deputation went to Lord Palmerston to put the case of the yeomanry before him, and Lord Palmerston gave way, and the yeomanry are to go out as heretofore, and the £40,000 is to be so spent upon their annual drill.

I have revised the list of fees and charges as desired by the House. The parliamentary solicitors desired an audience about the Order of the House, that minutes of evidence should be printed. An attempt had been made to evade this rule, and I had been obliged to give an order that the shorthand writers' transcript should not be given except for the purpose of being printed. It had been

obtained for the purpose of making manuscript copies. Mr. Baxter was spokesman for the solicitors. He wanted at first to give the go by to the order about printing, but his colleagues did not support him in this. Finally a paper was agreed on, and handed in to me, to the effect that printing minutes of evidence without the power of charging for copies would have the effect of depriving solicitors of three-quarters of their profits. "They submit that they should be allowed to charge at the rate of 4d. per folio for not exceeding three of such copies for counsel and one for use, in accordance with the principle adopted in the Court of Chancery."

Two very disagreeable personal questions have been under the notice of the House.

1. A question about Mr. Stansfeld, a Lord of the Admiralty. In a trial in Paris of conspirators against the Emperor, the Procureur du Roi pointed out that letters were addressed to Mazzini under feigned names to a certain house in Thurloe Square, the residence of a member of Parliament, and that member a member of the Government.

Mr. Stansfeld made a great mistake in his mode of proceeding. A question was asked of him by Mr. Cox. Instead of giving a simple and full explanation, he spoke of the contempt with which he heard such charges made against a Minister of the Crown.

Subsequently a motion was made on the subject that such notice from the Procureur du Roi demanded the serious consideration of the House of Commons. This

motion was negatived only by a majority of ten. Several Conservatives walked away. They had a majority in the House. I thought it by no means impossible that I might have had to give a casting vote. It would have been a great embarrassment. The honour of the House might be considered to be peculiarly vested in my hands. The motion was made as an amendment on Supply. I should have considered myself justified in passing to the Order of the day.

The second disagreeable personal question arose between Mr. Gladstone and Mr. Sheridan. The moral to be drawn from this is, that people should be very careful indeed, how, in handling general questions, they descend to individual cases, and still more how they deal with insinuations against individuals against whom they do not make direct charges.

It was proposed by Sir John Hay to make a direct motion on the subject. He came to me to claim privilege for his motion. I advised the House not to extend the area of privilege, but as Mr. Gladstone had thrown down a challenge, such challenge certainly complicated the question ; and if the House thought fit to discuss it (as Mr. Gladstone begged they would as far as he was concerned), I recommended Lord Palmerston to postpone the other Orders of the day till after this motion. Lord Palmerston at once proposed to do this. Then the House, having had time for consideration, showed its good sense in deprecating the discussion. Mr. Gladstone made an explanation, and in fact an apology, and the affair terminated.

We had this affair in the early part of the evening, and the motion about Mr. Stansfeld was to come on about ten o'clock.

The Amnesties' Bill was discussed in the interval, Mr. Goschen making an excellent speech about it, but the House would not hear him. It was St. Patrick's Day, and the Irish members had been dining together, and many of them were very full of wine. The noise became very great. Lord Naas came to me and said : " It is no use ; the hounds know the fox is in the bag ; you can't stop them ".

Then came the Easter holidays, and I was very glad of it.

*4th April, 1864.*—Session recommences. We begin with a difficulty. An Election Committee, the Lisburn Election Committee, seem to have exceeded their power. The Act gives power in a certain case to adjourn the Committee to the day appointed for the meeting of the House, but they adjourned to the day after the meeting of the House. Notice taken of this by Mr. Hunt—A short debate—Adjourned till to-morrow. I have been considering the case with the Attorney-General ; he doesn't see how a remedy is to be applied.

Mr. Stansfeld resigns his place, and makes further explanations. Further remarks have been made in Paris implicating Mr. Stansfeld in the payment of money on Mazzini's account. Some letters, too, from his wife about money to Mazzini.

*5th April, 1864.*—Debate about proceedings of the Committee resumed. Mr. Sterling excused, but the words that he be discharged from attendance struck out of the resolution, that the House might take no action in anything

relating to the Committee, after the time at which it adjourned itself to the Tuesday.

It was thought better for the House not to step in too early, but to wait till the Committee had had time to consider its own position and to take action in some way upon it. I thought this quite the proper course. Therefore a course suggested by Lord Stanley was open to much objection: That the debate should be adjourned with a view of adjourning for six months. Then no excuse having been given to Mr. Sterling, the Committee could not proceed. But there were most grave objections to this course. The House wished not to be committed in the matter, but as it was the duty of the House, on fit cause being assigned, to grant excuse to a member failing in attendance, if the House declined to do this the whole responsibility of stopping the proceedings of the Committee would have lain on the House itself, and the members, if not excused, must have been reprimanded or punished.

*21st April, 1864.*—Mr. Butt presented a petition from the petitioners in the Lisburn case, and in the first instance his notice prayed that the House would order the Committee to reassemble. Then he changed it: That a Select Committee be appointed. The Attorney-General objected—Motion negatived without a division.

*1st April, 1864.*—Mr. Disraeli observed that there were five Under Secretaries of State in the House, whereas the Act of Parliament provided that there might be four

Chief Secretaries and four Under Secretaries, and no more. The blot is hit ; it seems clear that there can only be four Under Secretaries. The question remains whether penalties have accrued and whether any loss of seat is involved. Motion made for a writ to issue to Merthyr Tydvil, Mr. Bruce having accepted office of the President of Committee of Council—Objection made by Sir W. Heathcote : That as the question relating to the five Under Secretaries was about to come on, we should not take any step relating to any of them till the whole question had been considered—Debate adjourned till after this—Later in the evening writ issued.

Next day Mr. Disraeli wrote me a note to say he should raise the question, as privilege, of the issue of this writ. He held Mr. Bruce could not have been properly appointed to the post, because the Act says : The Queen may appoint any member of her Privy Council to this office. I begged my counsel, Mr. Rickards, to look into the Acts, as I had to meet the Archbishop of York on business. When I returned from luncheon, Mr. Rickards had the Acts. He said : " It is quite clear Mr. Bruce could not be appointed ; he is not a Privy Councillor ; nothing can be more clear than the wording of the Act ". Fortunately the Attorney-General was in the library, and Mr. May came back from paying his respects to General Garibaldi, who had been holding a levee at Mr. Seely's. They both said : All was right that had been done. Mr. Rickard's opinion was quite wrong. The *acceptance* of office vacated the seat. It is true Mr. Bruce must be a Privy

Councillor, but the Queen, who made the offer of the office, could do all that was needful to give effect to it. She could make him a Privy Councillor, and no doubt would do so, indeed, must do so, before the warrant could be made appointing him to the office. The acceptance of the office by Mr. Bruce vacated the seat. Mr. Bruce accepted the office, so his seat was vacant. Therefore it was proper that a new writ should issue. When Mr. Disraeli came into the House he came to me. I told him that I believed this was the true construction. He said: "Oh, if you think so, I won't make the motion". He did not make it. Colonel French did raise the question, and was answered by the Attorney-General to the satisfaction of the House.

Mr. Lowe resigned his office in consequence of the hostile vote on the subject of the reports of inspectors, said to have been mutilated by his directions.

Mr. Lowe asked to make a personal explanation. Mr. Disraeli's question of privilege was to come on—this on Monday, 18th April. I told Mr. Disraeli that Mr. Lowe asked permission to make this personal explanation. He said: "Very well, certainly; but not to make a motion". I said: "No, he ought not to make a motion". There had been an idea that he should have moved that the House do adjourn, in order that Lord Palmerston might speak. I told Mr. Lowe not to do this.

Mr. Lowe spoke, then Lord Palmerston, then Lord R. Cecil. Mr. Disraeli then claimed to speak. I said that there was no motion before the House. Mr. Lowe had been permitted to make a personal explanation by courtesy. Any

others needing a similar indulgence might speak also without a motion in explanation ; that it was proper to pursue this course, and not to make a motion. Mr. W. Foster was called for, and explained, and Mr. Walter, and then the matter ended ; but this is clearly the proper course with regard to a personal explanation : It is permitted to a member to make a personal explanation by courtesy, but if he concluded with a motion, everybody might speak, and the past debate might be renewed, and this without notice, and the whole business settled for the evening might be interrupted.

Just at this time came a question from Mr. Darby Griffith about seats in the House. It seems an usage has grown up of members placing their cards on a seat, as a kind of notice that they were coming to prayers. The order of the House is that any member being at prayers may *affix* his name and retain the seat ; in order to enable him to affix his name, a brass case has been put up at the back of each seat to receive his card, where it may be quite safe. The doorkeeper had orders to remove every card affixed before prayers, but thought he could not meddle with cards on the seat, and not affixed, so the system has grown up, but it is full of objection. Nothing can be more objectionable than putting a card loose on the seat ; any one passing by may move it by his coat, any accident may disturb it, and then a wrangle ensues. I sent to Lord Charles and told him about this. He said he had never heard of it. The thing has been going on for some years, and here is a Sergeant-at-arms, with a Deputy-Sergeant-at-arms, and

the deputy with a deputy, and not one of them has observed or knows that this system had grown up. I begged Lord Charles to go and ask his own doorkeeper. He went, and came back saying: "Certainly it has been going on, but as the card was not affixed, he did not think he could have liberty to remove it". I asked Lord Charles what he thought of this; was it in accordance with the meaning of the order, or was it an evasion of the order? He said: "Certainly it was an evasion of the order". I said: "Then I beg that you will see that the order of the House is carried into effect".

*Thursday, 21st April, 1864.*—Mr. Sheridan proposed to move the following resolution, on the motion that the Speaker leave the Chair. On going into Committee of Ways and Means, Mr. Henry B. Sheridan to move: "That, in the opinion of this House, the reduction of the fire duty in the manner proposed by the Chancellor of the Exchequer is not the mode of reduction contemplated by the resolution of the House passed last session on this subject, and that an uniform reduction of 1s. per cent. on all descriptions of property liable to the said duty would be more acceptable to the country".

It seemed to me objectionable. The Chancellor of the Exchequer had given notice of a motion to be made in Committee of Supply. You cannot move a resolution against a motion which has not yet been made. On going into Committee you may pass a resolution in general terms on the subject-matter of the proposal.

Mr. May had sketched the form of a resolution. I showed this to Mr. Sheridan, who adopted it : That, in the opinion of this House, such a reduction of the fire duty as was contemplated by the resolution of the House last session would be best effected by an uniform reduction of 1s. per cent. on all descriptions of property liable to such duty.

A debate arose on this. Mr. Disraeli, in giving the reasons for his vote, said : He should vote for this resolution, but as he would not touch on the surplus proposed to be retained by the Chancellor of the Exchequer if the amendment was carried, he should move to amend the words, by leaving out the words 1s. per cent. The original motion was carried.

*Thursday, 21st April, 1864.*—General Garibaldi came under the gallery : an idea had prevailed that some expression of opinion would have taken place. (But I was sure the good sense of the House would have saved it from such a mistake.) Mr. Bentinck gave me notice that in the event of any sort of demonstration he should observe that strangers were present. I gave warning to Lord Charles, if this had occurred, we should have to have cleared the entire House and the galleries. The permission to strangers in the gallery to remain is only on occasion of divisions. But the House conducted itself with perfect propriety.

Sir John Hay had made a motion for an Address to the Crown praying that the decision of the Privy Council about making Leeds the assize town, instead of Wakefield, should be reversed. This was negatived.

He has now been to ask me whether he could make a motion such as this : The House observes with regret the dissatisfaction that has been created, and directs Her Majesty's Ministers to refer the subject again to the Privy Council. I told him what the rule of the House was, as to bringing forward the same motion twice in the same session ; that this was in substance the same motion. The first was an Address to the Crown to reverse the decision of the Privy Council. This was an expression of opinion of the House, directing the Ministers to apply to the Queen to refer the decision back to the Privy Council.

*Wednesday, 27th April, 1864.*—I gave a large dinner to forty-seven persons (the forty-four persons engaged in the work of writing a new commentary on the Bible).

*28th April, 1864.*—The Committee appointed to consider whether Lord Hartington had vacated his seat by sitting as one of the five Under Secretaries in the House of Commons reported that he had not vacated his seat. This vote was carried by the casting vote of the Chairman, but it was not at all a party division in the sense of equal numbers voting of members from the different sides of the House. Sir Hugh Cairns proposed that the seat was vacant ; Sir W. Heathcote and Mr. Hunt voted against this. Finally the numbers were six and six, and Mr. Massey gave the casting vote, but Sir W. Heathcote voted with the Attorney-General.

The Chairman reported to the House that the seat was

not vacant. Then as the point was doubtful, as the majority was small, as it was possible the decision might be questioned in the House, advice was given to Lord Hartington that he should take the Chiltern Hundreds and go to a re-election. Mr. Massey, Sir George Grey, the Attorney-General, Sir W. Heathcote, all, as I understand, recommended this course. Lord Palmerston doubted much the propriety of this course, as did Lord Hartington. On Thursday, the 28th, at a quarter-past two, I had just sat down to dinner, and had helped myself to a slice of mutton, when Mr. Brand was announced. Mr. Brand said: He was sorry to call at such an inconvenient moment, but Lord Palmerston said he wished very much to know what the Speaker thought of this. I proceeded to tell Mr. Brand my opinion; took him into Mr. May's room, where we talked the matter over. Mr. Brand said: "I wish you would write your opinion on paper; it would be a great satisfaction to Lord Palmerston". So in much haste (my dinner spoiling) I wrote the following note:—

"DEAR LORD PALMERSTON,

"I understand several members of the Committee have expressed an opinion that Lord Hartington should accept the Chiltern Hundreds. This opinion may be based on considerations connected with proceedings in the Committee, and expressions of opinion with which I am not acquainted. I can only form my opinion on the result of the proceedings as expressed by the report. I cannot see any parliamentary grounds for Lord Hartington accepting

the Chiltern Hundreds. In former cases it has been customary for the House to accept the conclusions of the Committee. In Mr. Whittle Harvey's case, the Committee reported that the seat was vacant ; a new writ was at once moved for, without waiting for the confirmation of the report of the Committee of the House. In the case of Mr. Williams Wynn the Committee reported favourably, and Mr. Wynn continued to sit, and no notice was taken and no confirmation called for. So in the case of Mr. Hawes. In the case of an Election Committee, the report of the Committee made at the Bar is conclusive. This is in some sort an Election Committee ; it is of a judicial character ; it concerns the seat of a member. Why should not its conclusions be accepted ? It does not appear that the Committee have expressed any doubts. They report a judgment on the only matters referred to them by the House.

“ Yours truly,

“ J. E. D.”

Mr. Brand took this letter to Lord Palmerston. Lord Palmerston said : After reading it he could not have any hesitation about it. He recommended Lord Hartington not to take the Chiltern Hundreds, but to come into the House and resume his business—and he did so.

In the course of the evening Sir Hugh Cairns came to speak to me about the decision of the Committee. He regretted the decision of the Committee, and thought it wrong, but he did not hesitate to say : The case as between Lord Hartington and the House is quite clear. The decision of

the Committee is good, so long as it is not challenged, and no one is likely to challenge it.

He went on to say: The Bill of Indemnity may cure all that has passed, but if the place falls under the Statute of Amnesty, and Lord Hartington is sitting wrongfully, the indemnity would not guard him as regards future votes, and he might be sued at law for penalties. This was a small risk Lord Hartington might be well content to run. Afterwards Sir G. Grey, and others who had recommended that Lord Hartington should accept the Chiltern Hundreds, all agreed it was very well that he had not done so.

*20th June, 1864.*—Lord Palmerston has had a good deal of gout, and he has had some severe colds. He would go down to Cambridge to the commemoration to meet the Prince and Princess of Wales. We thought it imprudent that he should subject himself to such unnecessary fatigue. Within the last fortnight he has shown symptoms of failure. He does not catch the point of questions, and when a question refers to two or three particulars, he does not keep them in his memory. These failings are quite new to him. On the motion of censure on the Ashantee War he spoke much below the mark.

The same question discussed twice in the same session. "An humble Address to Her Majesty praying Her Majesty to institute an inquiry into the matters of the memorial or petition of His Highness Azeem Jah, claiming to be Nabob of the Carnatic, or to refer the same (or certain questions arising thereon) to a judicial tribunal."

The question was discussed and decided. Sir Fitzroy Kelly came to me with the second motion in writing.

I considered the point, and told him I thought such a motion would be in opposition to the rules of the House. I said: That in times of excitement the rule had been strained, and sometimes almost overpowered; that it was my duty to uphold the rules, and not to assist in contravening them. Sir F. Kelly acquiesced. He said he would not do anything in opposition to my opinion. He might give notice of the motion, and say something upon it, but he would not attempt to press it against my opinion.

*21st June, 1864.*—There was a morning sitting upon the Irish Chancery Bill. The Bill was much objected to by Mr. Whiteside and Mr. Longfield. They did all they could to prevent members entering the House. The House was not made till half-past twelve. Mr. Longfield had given notice to refer the Bill to a Select Committee, but not seeing any of his friends present, and observing Mr. George go out of the House (he was going to look for Mr. Whiteside), Mr. Longfield declined to make his motion, and he walked out of the House. So the House went into Committee, and as no objection was made clauses were passed in succession. Eight or nine clauses had been passed when Mr. Whiteside walked in, and expressed the utmost displeasure and annoyance at having been thus taken by surprise. He began a speech, and spoke for more than two hours. Then the Attorney-General spoke, and it was getting on for four o'clock. Mr. Butt was to speak,

and to speak till four o'clock, but he sat down one minute before four, so Mr. Massey put the question. The numbers were nearly equal. Sir Colman O'Loughlen was an eager supporter of the Bill. He had offered to be a teller. He remained behind till the House was nearly cleared, then he bolted into the wrong Lobby, and, by so doing, turned the scale against the Bill. So the Chairman was voted out of the Chair, and no report was made to the House. When I went into the House, an appeal was made to me about the proceedings, and about the vote given by Sir Colman O'Loughlen.

On the following morning, Wednesday, 22nd June, on the motion to revive the Committee, an appeal was made to me, and it was agreed by Mr. Longfield and Mr. White-side that the decision of the Committee had been fatal to the Bill. It, however, was decided otherwise.<sup>1</sup> Precedents of Bills revived, on which the Chairman in the Committee had been voted out of the Chair: Paupers Removal Bill, 1815; General Turnpike Bill, 1827; Savings Banks and Friendly Societies, 1860. On this Bill, Mr. Gladstone was beat on the first clause, and he moved that the Chairman do leave the Chair. He then set up the Bill again, and *without notice*. The Committee began where they left off at the *second* clause. The Committee had lost the power of continuing its sitting. As soon as its power was revived, it recommenced at the point where it had been arrested.

27th June, 1864.—Lord Palmerston laid on the Table papers relating to the conference, and to the affairs of Denmark and the Duchies. He seemed quite strung up to

the occasion ; there was no appearance of age or failure of any kind. His voice was strong and clear. The statement was excellent ; a better narrative of events could not have been given. It was distinct and forcible : enough was said and not too much. Many parts were run over with a light hand. I was much struck with it, as a remarkable parliamentary performance. The last passage about the possible future was not good.

As to reviving a Bill on which in Committee the Chairman had been voted out of the Chair—1860, Savings Bank and Friendly Societies Bill : Clause 1 was negatived. On this Mr. Gladstone moved : "That the Chairman do leave the Chair," which was carried. Afterwards motion made that the House would again resolve itself into Committee on the Bill. The Committee sat, and commenced with Clause 2, where they had left off.

In the case of the Irish Chancery Bill, everything was in order in the Committee up to the time when the Chairman was moved out of the Chair. Then the sitting of the Committee was brought to an end, until power was given to it again by the House to sit again. Then its power was renewed, and it resumed its duties at the point at which they had been interrupted.

*Monday, 4th July, 1864.*—Mr. Disraeli—Denmark and Germany : Address to thank Her Majesty for directing the correspondence on Denmark and Germany and the protocols of the Conference recently held in London to be laid before Parliament :—

"To assure Her Majesty that we have heard with deep concern that the sittings of the Conference have been brought to a close without accomplishing the important purposes for which it was convened.

"To express to Her Majesty our great regret that, while the course pursued by Her Majesty's Government has failed to maintain their avowed policy of upholding the integrity and independence of Denmark, it has lowered the just influence of this country in the counsels of Europe, and thereby diminished the securities for peace."

Mr. Cox came to ask whether he could consent to the two first paragraphs of the proposed Address, and move the previous question on the third. I told him no, he could not. If the motion was in the form of resolutions, to be moved in order one after the other, the course proposed by Mr. Cox would be a correct parliamentary course. But this is not a series of resolutions; it is an Address to the Crown, and must be treated as a whole. It may be altered and amended. The previous question may be moved on the whole Address, but not on a part of it.

*Friday, 1st July, 1864.*—On Mr. Dodson's Bill for the Abolition of Tests I had to give a casting vote. It was the third reading of the Bill. An amendment was moved by Sir W. Heathcote that the Bill be read a second time this day three months. On the motion that the words proposed to be left out stand part of the question, there was a majority of ten for the Ayes.

Then came the main question : That this Bill be now read

a third time. A debate ensued, and was kept up for the purpose of whipping-up members. Messengers were sent round all the clubs, and to the opera house, and many members came dropping in on both sides. At last the Conservatives thought they had a majority, so they went to the division. The numbers were equal—Ayes, 170; Noes, 170. I had been considering my course on the possible contingency of a casting vote, and I had decided I would at all events take another issue on the question that the Bill do pass. The events that had happened gave me good additional ground for this course. An hour before there had been a majority of ten against putting off the Bill; now the numbers were equal.

I told the House, after the voting that had taken place on the Bill, they would not be surprised that I desired to afford them another opportunity of deciding the question for themselves.

This opportunity would arise on the motion that the Bill do pass; at the present stage I declared for the Ayes. Some more members had come in; the division gave a majority of two to the Noes.

*4th July, 1864.*—On Monday, 4th July, Mr. Disraeli made his motion of want of confidence in Lord Palmerston's Government as Address to the Crown. Mr. Disraeli's speech was long—two hours and a half—diffuse, and without point.

Mr. Gladstone replied, and made a capital speech.

The debate lasted four nights, and was concluded on

Friday about two o'clock. Lord Palmerston rose to speak soon after eleven. Mr. Disraeli replied, and the vote was taken.

Lord Palmerston's was not a good speech ; it was temperate, but not powerful. There was a great appearance of physical weakness about Lord Palmerston. The effects of age were more apparent than they had been on any former occasion.

There was much doubt about the division from the first commencement of the motion. Many men, who had always held aloof from party votes, and who had said they would not join in any vote to displace Lord Palmerston till they saw their way to the formation of a Conservative Administration that might have some hope of stability, now considered the time was come when they must abstain no longer. Lord Derby called his party together, and counselled them to action. The whole Conservative party were to move in a compact phalanx. Then there were hopes that the Irish Ultramontane party would go against the Government. There was a good deal of coldness and much difference of opinion on the Liberal side. Things looked very hopeful for the opposition. Mr. Kinglake brought forward his amendment, which was a qualified approval of the Government for not having gone to war.

It was very difficult to calculate results. When on Thursday morning it was known that, under the urgency of Mr. More O'Ferrall, the Irish Ultramontane party had decided to vote in a body against the Government, it was thought there would be a majority against the Govern-

ment. I thought this very probable; I could get little assurance to the contrary from the whippers-in. They talked of its being a very near thing, two or three votes—perhaps I should have to give a casting vote. On the Friday evening I asked Mr. Whitmore if he could insure me against having to give a casting vote. He said he could not do so. Things went on in this uncertain way till the very end. At last came the division. The Conservatives expected to poll 304 or 305. When their numbers were brought in 295, the countenances fell; there was a great disappointment. Then came the Noes, and their numbers were 313, giving a majority of 18 to the Government, far above the calculations on either side. There was tremendous cheering of the Government side, waving of hats and handkerchiefs, which I was sorry to see. Five Conservatives voted with the Government; several Conservatives stayed away. The Irish party all went against the Government. About seventy-three Irish members voted against the Government, and yet Government was in a majority of eighteen. Lord Palmerston came into office with a majority of thirteen; after five years of office, in an attempt to turn him out, he had a majority of eighteen, a gain of one in each of the five years.

An incident took place in the debate, when Lord Palmerston made some observation on a judgment of mine, of which I will now speak. Mr. Gladstone used an expression in answer to Mr. Disraeli about garbling extracts, so as to falsify the sense of the passage. On the third day Mr. Layard repeated this charge, making use of the word

falsified. Mr. Gathorne Hardy in reply (speaking very warmly and eagerly in answer to Layard, who had spoken well and in an excited manner, the House being altogether in an eager state) said that Layard had spoken in a very violent tone, and made calumnious charges against the opposition. Layard jumped up, and required that the words should be taken down. There was a pause and a sort of appeal to me. I said there seemed to be no ground for my intervention. On this Gladstone looked round at me in a reproachful manner, and urged Lord Palmerston to get up. Lord Palmerston rose and said that the imputation of motives was, he thought, against order, and the expression used implied motives. On this Disraeli rose, and contested the point with Lord Palmerston. Two or three members spoke. Finally I spoke again, as may be seen in Hansard, and recommended moderation, not at all changing from my original opinion.

It happened by chance that Mr. Otway was sitting under the gallery, and he observed: "Layard, I think, should remember something about the use of the word calumnious, for Lord Palmerston used the expression of "false and calumnious charges" as having been brought forward by Layard. Mr. Otway added: "I called Lord Palmerston to order". This happened in the year 1845. The volume of Hansard was soon found, and it appeared, oddly enough, that Lord Palmerston now protested against the use of the phrase, calumnious charges, as applied to Layard, he having applied the words false and calumnious, in 1845, to some charges made by the same Layard.

From all I have heard, the House was satisfied with my course. I heard great disapprobation of Lord Palmerston's course. For myself, I did not object to Lord Palmerston's mild expostulation.

As to the word calumnious, I should say of this word, as might be said of many others : They must be taken with the context and under the condition of the moment. Under the circumstances of the moment I saw no reason to interfere. Under the circumstances, the same word might be used in a manner calculated to give offence, and in a manner which might call for interference.

*16th July, 1864.*—On my way to Heckfield with Lord Eversley I talked to him about the word calumnious. He thought it was not a word to which exception could be taken. He did not remember the circumstances of the case quoted as having occurred between Lord Palmerston and Mr. Layard, when Lord Palmerston said Mr. Layard's charges were false and calumnious, but he had no doubt that the words were used as directed against the charges, and not as referring personally and directly to Mr. Layard.

*18th July, 1864.*—Question raised on Metropolitan District Railways Bill. Could a private Bill repeal clauses in a public Act ?

In the Thames Embankment Act of last year there were certain protective clauses for a gas company, that the embankment should be so constructed as to allow the gas works access to their works from the river. The Metro-

politan District Railway Bill repealed these clauses, making arrangements with which the gas company was satisfied.

The question raised was : Can a clause in the Thames Embankment Act, a public Act, be repealed by this private Bill? In the first place, the Thames Embankment was not strictly a public Act, it was a hybrid Bill, and was dealt with practically very much as a private Bill : referred to examiners, and to a Select Committee. But on the main point, as to the power of repealing a clause in a public Act by a private Bill, perhaps the most direct and strongest precedent that could be quoted would be the Bristol Act, vol. iv., p. 88, 23rd June, 1832.

On account of the damages done in the Bristol riots a private Bill was brought in : " Whereas, in or about the month of October, 1831, divers persons did riotously and tumultuously assemble themselves together in and within the city of Bristol, etc. And whereas an Act was passed (public Act) in the seventh and eighth years of the reign of his late Majesty, King George IV., entitled an Act for consolidating and amending the laws in England relating to remedies against the Hundred, and whereas it is expedient that the powers of the said recited Act, so far as the same relate to the obtaining compensation for the damage and injuries so done, shall be altered, amended and enlarged."

Here the public Act relating to remedies against the Hundred is repealed by the Bristol Private and Local Act. In this session the City of London Tithe Bill, a private Bill repealed a public Act of Henry VIII.

1865.—I dined with Lord Palmerston on Monday, 6th February, 1865. Mr. Hanbury Tracy, who was to second the Address, sat next to me. I recommended him to make a note in a book when he got home that evening of what he saw of Lord Palmerston ; how he, in his eighty-first year, had read the manuscript speech without glasses, and to observe what sort of dinner he made. Lord Palmerston looked to me particularly well, and less deaf than last year. His dinner was as follows : Turtle soup, fish, patties, fricandeau, a third entrée, a slice of roast mutton, a second slice, a slice of hard-looking ham ; in the second course : pheasant, pudding, jelly ; at dessert : dressed oranges and half a large pear. He drank seltzer water only, but late in the dinner one glass of sweet champagne, and I think a glass of sherry at dessert. Lady Palmerston had an evening party, and Lord Palmerston stood through the evening, talking to all the world.

This is the first year of the experiment of appointing referees on private Bills. I have appointed two members of the House, Mr. Hugh Adair and Mr. Hassard, and my counsel, Mr. Rickards. These three will act with the Chairman of Ways and Means. I wrote the following letter to Mr. Hassard, and in the same terms to Mr. Hugh Adair :—

“ OSSINGTON,

“ 19th November, 1864.

“ MY DEAR SIR,

“ You will remember all that took place in the House of Commons about the appointment of referees under the Standing Order, moved by Colonel Wilson Patten.

Mr. Massey and Mr. Rickards, my counsel, will act as two of the referees.

"There was an evident desire in the House of Commons that tasks to be performed by the referees should, if possible, be performed by members of the House and by gentlemen used to the conduct of inquiries before Committees. The thing is an experiment; if started well it may grow into an established system, requiring a staff of paid officials."

"The next session, being the last of the Parliament, may not be a long one. It may be interrupted in its course. You have as Chairman taken a large share in the labour of Committees. I hardly know whether I could venture to ask you whether you would be disposed for one session to change the sphere of your labours and to take part in the preliminary inquiries as one of the referees. If you could be induced to take this course, I know it would be very acceptable to Mr. Massey, and I am sure it would be much appreciated by the House.

"Yours truly,

"J. E. D."

Mr. Hassard answered that he was much obliged by the compliment, and would be happy to act as a referee. After the first meeting of the referees, they communicated to me that it seemed to them necessary that two more should be added to their number. Mr. Dodson, new to the office of Chairman, and Mr. Rickards, full of business, could not be expected to give close attendance. I considered about

proper persons to appoint. That they should be men of high standing. The House having imposed the duty of appointing referees on the Speaker, not willing to place it in the hands of the Government, it seemed that they intended the appointments should represent the whole body of the House—both sides. I therefore took Colonel Taylor into counsel. I told him my views, and asked him to consider about a good man, some good ex-M.P. Salary to be £1000. I talked to Brand also, and asked him, as we wanted a Scotchman, whether he could suggest a better man than Sir W. Gibson Craig. After a day's consideration he said he could not. I accordingly wrote to Sir W. Gibson Craig and asked to be allowed to name him referee.

" PALACE YARD,  
" 15th February, 1865.

" MY DEAR GIBSON CRAIG,

" I hope you will not be startled by the proposal contained in this letter, and that you will favourably incline your ear. At the end of the last session of Parliament a proposal was made by Colonel Wilson Patten, in order to lighten the labours of the Committees, that referees should be appointed to whom certain matters of fact in private Bills should be delegated. Two members of the House, Mr. Hugh Adair and Mr. Hassard, have consented to act as referees for this session, in order to help on the experiment. These two gentlemen, with Mr. Rickards, my counsel, and the Chairman of Ways and Means, constitute the cast. But Mr. Rickards and Mr. Dodson will not be able to give

constant attendance, and we may have to provide two courts ; so two more referees are required.

“ There will be much jealousy as to the men who are to exercise these delegated functions of the House of Commons. We want men of high standing, of experience and known character. If you could be induced to accept the office, you would be doing me a favour, and you would perform an important public service. The salary would be £1000 for the session. I daresay it would be pretty close attendance for the first two or three months of the session. You would arrange the course of business among yourselves. The duties would begin in about a fortnight from this time. The business would be not without interest. It may be the commencement of a new course of action as to the private business of the House. Your old friends would be happy to see you again in the regions of Westminster. I conferred with Sir G. Grey and Mr. Brand ; they hope very much that this application may succeed.

“ Yours truly,

“ J. E. D.”

*14th March, 1865.*—Many petitions presented about Azeem Jah claiming to be Nawab of the Carnatic—Many signatures of these Committees found to be forgeries. I recommended Mr. Forster to mention the circumstance to the House, and to say that if, on further inquiries, it seemed expedient, he might have to make a special report to the House.

*29th March, 1865.*—At my first levee, Lord Palmerston

came about half-past ten. He said: "Well, Mr. Speaker, I hope you have not suffered from the late nights lately". "No, thank you, I have not suffered. I hope you have got some comfortable arrangement for going home in this cold weather."

Lord Palmerston: "Oh yes; I often take a cab, and if you leave both windows open you get nearly as much air as if you walked".

25th April, 1865.—Charitable Trusts Fees Bill brought in by Mr. Hankey and Mr. Shaw Lefevre.

1. There shall be charged in respect of all orders the several fees in the schedule. (Fees for service rendered in a court or office are not held to be of the nature of a tax.) We permit the Lords to impose fees. But, *in italics*, it was provided that the fees should be by means of stamps. The stamps paid at once into the Exchequer are of the nature of a tax. To enforce these clauses a Preliminary Committee would be required, and the consent of the Crown. I could not agree that the Bill in this form was contrary to order. It was urged by Mr. Ayrton in private, that the clauses in italics were really the essence of the Bill. The objection to the form was not taken. The Bill was rejected on its merits on the second reading.

#### *Referees.*

I have appointed Mr. Leveson-Gower, M.P. for Reigate, to be a referee, to assist Sir E. Colebrooke, who wants to go to Scotland.

The list of referees stands thus : Chairman of Ways and Means, Mr. Hugh Adair, Mr. Hassard, Mr. Rickards, Sir W. Gibson Craig (paid), Sir J. Duckworth (paid), Colonel Stuart, Sir E. Colebrooke, Mr. Leveson-Gower, Mr. C. W. Wynne.

*26th April, 1865.*—In the morning sitting of Wednesday, 26th April, a telegram was brought to the House of Commons bringing news of the assassination of Mr. Lincoln, President of the United States. On the morning of the 27th Sir George Grey consulted Mr. May about precedents. There was a question of an Address to the Crown. I thought it would give much force and increased value to the motion if it was made at once at the meeting of the House, but Lord John Russell was out of town, and only arrived in the afternoon. Lord Palmerston was in a fit of gout. So Sir George Grey gave notice that on Monday next a motion for the Address would be made.

*9th May, 1865.*—Azeem Jah Committee. A Committee reported that a breach of privilege had been committed by George Morris Mitchell forging signatures to various petitions—Report of Committee considered, 8th May—Adjourned to 10th May—Stood three on the Orders of the day.

Question: Could it have precedence over notices of motions? I looked into the cases, and considered them. I had no doubt such a case had a right to precedence. In the latter part of Lord Eversley's time, he endeavoured to

narrow the claims of privilege, thinking that privilege had been pushed too far and had become an abuse, and he ruled that in the case of adjourned debates in certain cases there was no right to precedence. But the rule that clear cases of privilege should have precedence is undoubted.

1837, 8th June.—In the case of Stockdale's action : Day after precedence was granted on adjourned debates, both on notice nights and order nights, and in 1840.

1838, 27th February.—In Mr. O'Connell's case the adjourned debate was taken before all the notices. I therefore recommended, without hesitation, that precedence should be given in this case of Azeem Jah.

The right rule appears to be this : Where the cases have been considered to be not of an urgent character, and the debate has been adjourned, then the House has not granted precedence. But in cases of an urgent character directly affecting the privileges of the House, and retaining their character of urgency, notwithstanding the adjournment, then the rule has been to allow precedence. In this case a Committee had reported that a breach of privilege had been committed, and recommended that the guilty party should be sent to Newgate. The House was in the act of considering this. The accused party was waiting outside for judgment. This was surely a case of urgency.

18th May, 1865.—7. Mr. Ferrand : " To ask Mr. Attorney-General to inform the House by whose authority the written statement was prepared, from which, on Monday last, he read his replies to the questions relating to the Bankruptcy

Court at Leeds, and whether he will lay it upon the Table of the House."

I talked the matter over afterwards with the Attorney-General. I think the rule in such a case should be that the main reliance is on the word of the Minister making the statement. A Minister makes a statement of facts, on information which he considers reliable, collected from various sources of information ; in this case collected partly from a private letter addressed to himself, partly from a letter which had been addressed to another person. The Minister makes the statement on his own responsibility ; he is answerable for it. A private letter, because it supplied part of the information, does not from that cause become a public document, such as can properly be called for to be laid on the Table. The difference between private letters and public despatches is shown in no way so strongly as in this : The House orders certain despatches to be laid on the Table, but much important information on the same subject is often contained in private letters which have passed between the Minister and the Ambassador. These private letters are never included in the Order.

1863, 12th May.—Lord Palmerston : It is altogether a new doctrine to me that a Minister making a statement from information which has come to his knowledge is bound to lay on the Table the documents from which that information is derived. I admit no such principle. It is perfectly true that when a Minister reads a *paper* he is bound to lay it on the Table (*i.e.*, a public paper).

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*Middlesex Industrial Schools.*

1st June, 1865.—This Bill was brought in on petition, a private Bill, to amend a private Act. The Middlesex magistrates, the promoters, dissatisfied with some clauses about Roman Catholic chaplains, determined to abandon the Bill.

Mr. Hennessey gave notice to move the next stage of the Bill himself. He proposed to turn it into a public Bill, and to send it to the House of Lords as a public Bill. The Bill was not a hybrid Bill, though Sir George Grey had desired that it should be sent to a Committee composed partly by the House, partly by the Committee of Selection. A hybrid Bill is a Bill brought in on motion as a public Bill, for objects of a public nature, but as it may affect private local interests, it is referred to the examiners, and treated in Committee as a private Bill. But this was strictly a private Bill. Could Mr. Hennessey turn this into a public Bill? No, he could not. Parties promote a private Bill for some local object, from which they propose to derive benefit. They take much trouble, pay the fees, etc. If the Committee should alter the Bill in such a way, that instead of being a benefit it should seem to cause injury to the promoters, it would be a great hardship to force the Bill upon them against their will.

It is true the Bill was referred to a Committee named partly by the House, partly by the Committee of Selection, but the constitution of the Committee in no way affects the position of the promoters to the House.

2nd November, 1865.—Lord Russell wrote to me, Nov. 1:—

"MY DEAR SPEAKER,

"Pray inform me whether there is any reason, in respect to this being a new Parliament, why it should meet sooner than towards the end of January.

"I do not speak of cattle disease or other matters extraneous to the Chair.

"Yours faithfully,

"RUSSELL."

I answered, 2nd November :—

"DEAR LORD RUSSELL,

"I have read your letter of yesterday forwarded to me from Westminster. I had occasion last summer, at the request of Lord Palmerston, to look into the question of the meeting of Parliament after a dissolution. I can therefore answer your enquiries without searches or delay." (I then inserted the precedent, and proceeded.) "When dissolutions have taken place after a hostile vote on a trial of strength, there has been commonly an understanding that, after an appeal to the country, there should be an early meeting of the new Parliament. There would be no analogy between such cases and the case of the late dissolution. You will see by the precedent, 1818, that there is no obligation to call Parliament together before the usual time on account of its being a new Parliament. I do not think an early meeting of the present Parliament was at all expected by the Opposition. A short time before the dissolution Mr. Disraeli said to me: 'Well, we shall not meet again before the usual time'. In all probability

there will not be a difference of above a dozen either way in the new Parliament, and whichever way that should fall it would make no difference as to the necessity of an early meeting. The result of the elections left it more distinctly in the option of the Government when Parliament should meet. The only disturbing cause has been the death of Lord Palmerston. It is not for me to say in what degree that may affect the question.

“Yours sincerely,

“J. E. D.”

Lord Russell wrote to ask whether I would wish to select any person to nominate me for Speaker, or would I leave it to the Government? I sent him a copy of the letters which passed between Mr. Disraeli and myself on the last occasion. Mr. Gladstone, after a while, wrote to say Mr. Monsell had been thought of to propose me and Lord Grosvenor to second me. That on this occasion, which was different from the last, it would seem fitting that the Government should propose the Speaker, and should not attempt to fetter or compromise the House by an arrangement beforehand with the opposite side. I quite concurred in this view.

*Referees.*

13th January, 1866.—I wrote to Sir W. Gibson Craig and to Sir J. Duckworth privately, and subject to contingencies, to ask whether they would act again as referees. Urged to take this course in time by Colonel Wilson Patten.

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Paid referees appointed: Sir W. Gibson Craig, Sir J. Duckworth, Mr. Hassard, Mr. Bonham Carter.

Members assisting: Sir E. Colebrooke, Mr. Woods.

*New Parliament.*

1866.—House met Thursday, 1st February. Proposed as Speaker by Mr. Monsell, seconded by Lord Grosvenor; elected unanimously. Mr. Bright rising after proposer and seconder, and before I spoke, made a speech against court dress for Speaker's dinners. Mr. Disraeli complained that I had not been seconded by a member from his side of the House.

Confirmed 2nd February.—I had intended to have gone to the House of Lords without my small wig, but it occurred to me that, in walking through the long courts and passages, I should catch cold in my head, so I did wear the small wig, to which I have no claim or title, not being a lawyer.

From about twenty minutes past two to four o'clock on Friday we swore in about 180 members. I sat on Saturday from one to four o'clock, but only about sixty members in all came.

On the Friday before confirmation we had no prayers, but I went in procession to the House—Sergeant-at-arms and Deputy-Sergeant—mace not over shoulder, but in the arm—and I at once took the Chair.

On Saturday I went in full ceremonial, and had to wait to count the House for half an hour before forty members came.

I am to sit on Monday and Tuesday at one o'clock for swearing in.

*12th February, 1866.*—Mr. Ayrton brought forward a motion of privilege, or under the plea of privilege, relating to Mr. Hennessey's seat for King's County; answered by the Attorney-General.

Alteration of the form of printing the votes. Lunæ die, Veneris die, etc., given up, and the English names, Monday and Friday substituted. Sir Colman O'Loughlen brought the point under the notice of the House. I readily consented to the change, and ordered the new form of printing.

Lord Cranborne made a complaint about delay in printing. He came to speak to me. I told him I would furnish him with the particulars of the present system. Papers presented by command are printed by such printers as the different offices select in conjunction with the Stationery Office. Some of the offices print within themselves in their own department—the Foreign Office and some others. The papers printed in these offices should be ready for delivery and distribution on the day on which the papers are laid on the Table. Bills and papers printed by order of the House of Commons are the only documents over which the House has direct control. The report of the Commissioners on the cattle plague was printed by the Queen's printers, Messrs. Spottiswoode.

Should Sir George Grey's Cattle Plague Bill be brought in in Committee?

In 1848, 11 & 12 Vict., cap. 107, Bill about Diseases of Cattle was brought in without a Committee. It consisted of sanitary regulations.

In the same year a Bill prohibiting and regulating trade in cattle, and importation of foreign cattle, brought in in Committee.

It seems to turn on the question of an interference with trade. I could not say that Sir George Grey's Bill did not interfere with trade, so it was brought in in Committee.

*Saturday, 17th February, 1866.*—On Friday, 16th, Sir George Grey moved that the House at its rising do adjourn to twelve o'clock to-morrow, Saturday, and he gave notice that he should ask leave to bring in a Bill to suspend the Habeas Corpus Act in Ireland.

The House met at twelve o'clock on Saturday. By four o'clock we had brought in the Bill, and after a very good debate read it first and second times—Committee—Report—Third reading. It went to the Lords; and before five o'clock the Lords had passed the Bill. The Queen was at Osborne. We had to send to Osborne to have the commission signed. The messenger was to have returned at eleven. Members came back to the House in numbers at eleven o'clock, but the messenger did not return till twenty minutes before one. I went up to the Lords twenty minutes before one. It occupied ten minutes. I came back to the House, and reported the Royal Assent ten minutes before one o'clock.

About the middle of January, one evening, in my farm

yard at Ossington, I was passing through an open gate carrying some weight in my hand. I did not observe that a bar had been nailed across near the bottom of the gate. I knocked my shin violently against the bar, and bruised the skin, and broke the skin through thick trousers and worsted stockings. When I went home, I put some diaculum over the wound. The skin about showed no inflammation; it kept quite cool, and I had no pain. About 27th January, I went to Nottingham to attend the mechanics' meeting. I felt at night a little throbbing in the wound. I took off the diaculum and observed that there was a small wound not healed. When I came to London, I kept on walking and riding. From one thing to another it got bad, and the wound spread and became very painful. I called in Paget. He found a bad wound, and recommended water dressing, which I had been following. Then Paget fell ill, and I sent for Ferguson. He pursued the same treatment.

On Thursday, 8th March, I suffered very much, and both sides of the House of Commons begged me to stop my attendance. I did stop my attendance on Friday, 9th March, and I have been lying up completely from Friday 9th to Friday 23rd, when the House adjourned for Easter. The wound is still very bad.

Absent from the House from Friday 9th to Friday 23rd March, inclusive—a fortnight.

Easter holidays from Friday, 23rd March, to Monday, 9th April. I passed the whole of this time in London. Bad weather, cold north-east wind and rain. Those who went into the country made great complaints of the bad weather.

The House met on Monday, 9th April. I attended the House on that day. I was wheeled in my chair to the Clerks' seats, sat during prayers in Sir Denis' seat, and was then assisted by two messengers up into the Chair. I then thanked the House for its indulgence and consideration to me during my illness.

The House went into Committee at half-past five. I went home and arranged that I should not return that night. When Mr. Dodson left the Chair, soon after twelve o'clock, Sir Denis said I was not able to return, and the business proceeded without me.

I was absent from the House, Tuesday 10th and Wednesday 11th, and on Thursday 12th I returned and commenced the Reform debate ; but on Thursday and Friday evenings, when the Reform debate was over, I went away, and did not remain for the Orders of the day. The Clerk mentioned that the state of my health would not permit me to do so. On several evenings afterwards I went home when the main debate was over, and left my deputy to go through the Orders of the day. I did this partly for rest, partly because it was difficult for me to get in and out of the Chair for Committees. And also on the following week I absented myself from the House on Wednesday, that I might be better able to go through the long nights of Thursday and Friday—Thursday from four to two, Friday from four to four o'clock.

On Thursday evening, 26th April, Lord Cranborne rose to move the adjournment of the Reform debate. He said he rose to move the adjournment, but in doing so he could

not omit at the moment to enter his protest against the unfair statements, etc., of Mr. Childers, the last speaker. There were cries of order. The Chancellor of the Exchequer said that in moving the adjournment the noble lord could not comment on the debate; by so doing he would forfeit his privilege of speaking again. This was contested by Mr. Sandford, etc. Lord Cranborne came to me, and rested his right to speak on a precedent of Mr. Perceval's at the time of the Duke of York's trial. As there was no formal issue involved, I took no part, and did not undertake to pronounce on the parliamentary law of the case. But there is no doubt what the rule of the debate is. There was a main question, and an amendment before the House. A member rises and says he means to move the adjournment, but if he proceeds to speak, as Lord Cranborne did, and to answer his observations, or to protest against them, he is speaking on the question before the House, and he cannot speak again. Lord Cranborne based his right to speak on a precedent of Mr. Perceval's, 9th March, 1809—Parliamentary debates. Mr. Perceval was defending the Duke of York in the case of Mrs. Clarke. He made a very long speech—The House became very impatient—Loud cries of adjourn. Mr. Perceval said he had a good deal more to add. At last by common consent the House adjourned, and it appears by Hansard that Mr. Perceval moved the adjournment of the debate, and resumed it again the next day.

Lord Colchester in his *Diary*, vol. ii., p. 175, says: "The House called loudly for an adjournment. Mr. Perceval

said he had more to say ; he would go on or stop. Adjournment passed by acclamation." Lord Colchester adds : " The first instance in my time of a speech being adjourned ".

I have looked into the journals, and the entry is : " And the House having continued to sit till half-past three on Friday morning, debate adjourned till this day". The House sat again on Saturday, and sat under the pressure of this judicial enquiry till half-past three on Saturday evening, or rather Sunday morning.

This, therefore, if claimed as a precedent, proves too much, for it would prove that after speaking for three hours a member might himself move the adjournment of the debate, and resume the debate himself the next day.

This case was a remarkable and exceptional one. The subject before the House was a judicial one. Mr. Perceval was the leading counsel for the Duke of York. The House was very tired after a long speech of three or four hours. If it had not been a judicial inquiry, probably they would have stopped Mr. Perceval, but Mr. Perceval said he had much more to say. By acclamation the House adjourned.

This was an extraordinary exercise of its power by the House—of the power which the House reserves to itself—the right to use on emergencies that demand and justify it, of the same kind as that exhibited a few weeks ago, when the House passed the suspension of the Habeas Corpus Bill through all its stages on one day.

The mistake of Mr. Sandford was that he confounded the

position of Lord Cranborne, speaking before the adjournment was moved, with that of Sir George Grey and himself, speaking after the motion for the adjournment had been put. Then there was a new motion before the House which gave free liberty of speech to all, except to the mover and seconder.

*Second Reading of Reform Bill, 1866.*

Began Monday, April 16th, and went on for seven nights, including Monday. Closed on Friday, 27th, about half-past three in the morning. I sat in the House from a quarter to four to a quarter to four the following morning. The debate was a very good one. Some excellent speeches were made—a great ability shown. Lord Stanley, on seconding Lord Grosvenor's amendment, made a very able argumentative speech. It quite gave a tone to the debate. Mr. Mill made a very good speech, which established him in the opinion of the House. Sir Hugh Cairns—very good. The two great speeches were Mr. Lowe's and Mr. Gladstone's in reply, winding up the debate. Mr. Lowe's was a great intellectual effort—close reasoning, sharp hits, a polished steel blade wielded with a light and master hand. The House was entranced with the speech, but it was pushed to extremes. Mr. Henley's observation about it was not a bad comment on this. He said: "If I had heard one or two more such speeches as Lowe's, I think I should have voted with the Government".

Mr. Mills, M.P. for Northallerton, was unseated on Friday at noon by the Election Committee, but the

Committee had not reported to the House about twelve at night, when the greatest anxiety prevailed at the division ; there was much question with the party whether Mr. Mills should vote. The Duke of Richmond was called in, and consulted Colonel Wilson Patten. The Duke of Richmond asked Colonel Wilson Patten to submit the case to me. To submit two questions.

1. Was Mr. Mills entitled to vote ?
2. In point of delicacy and right feeling, ought he to vote ?

I answered Colonel Wilson Patten that the House knew nothing of the decision of the Committee till they had made the report. (This had been strongly insisted on a few days before, when it was said Sir Robert Clifton had been arrested after the decision of the Committee, and before the report to the House.) Therefore I had no doubt Mr. Mills was in possession of his powers, and could vote. As to the second point of good feeling, etc., that was a matter to be decided by Mr. Mills and his friends—and not by me.

The Duke of Richmond said Mr. Mills ought not to vote, and he did not vote.

### *Adullamites.*

Mr. Bright in his speech on the introduction of the Bill spoke of Mr. Horsman and Mr. Lowe as in the cave of Adullam, where all the discontented were assembled together. Hence the thirty-three men who voted with Lord Grosvenor were called Adullamites.

*10th May, 1866.*—News was brought into the House of Commons this evening that Overend and Gurney's house had stopped payment. Liabilities said to be £21,000,000. It is feared that other finance companies and many concerns of all kinds may fall to-morrow, or in a few days. Mr. Harvey, banker of Norwich, came to the Chancellor of the Exchequer, and told him he believed two-thirds of the county bankers of England had money in Overend's hands.

*Monday, 28th May, 1866.*—On the notice of Mr. Bouverie, and the amendment of Captain Hayter, much difference of opinion arose. Captain Hayter wishing for precedence, gave his notice on Mr. Bouverie's instruction. The Opposition were acting in concert with Captain Hayter, and were very anxious that his amendment should come on, and should have the first place. Could it be moved as an amendment on the instruction? Certainly not. An instruction might be an amendment, but only in such a manner as left it its character of an instruction. Captain Hayter's amendment was not an instruction at all. It was a resolution on the substance and merits of the two Bills. Then it was suggested that there is a preliminary motion, that the two Bills be referred to the same Committee. On that motion surely, Captain Hayter's amendment might be moved. At first it struck me that this might be done, and when the same suggestion was offered by Sir Stafford Northcote to Mr. May, it seemed to Mr. May also that this might be done. Mr. May came to me after dinner on Sunday

evening and we went fully into the matter. We referred to the journals. It appears that the last case of ordering two Bills to the same Committee with an instruction to form them into one Bill took place as long ago as 1803. The rules of procedure were then different. In old days the practice was to move the Orders of the day on the two Bills, and to refer them to the same Committee, and then to move an instruction to the Committee to make the two Bills into one. There is a precedent for such a course about a hundred years ago. But of late years, the power of making motions on reading the Orders of the day has been done away with.

By Standing Order of 1852: "At the time fixed for the commencement of public business, on the days on which orders have precedence of notices of motions, Mr. Speaker do direct the Clerk at the Table to read the Orders of the day without any question being put". It was intended by this that effect should at once be given to the Order of the day, that the member in charge of the Bill should have precedence, and should move it.

The only exception was in favour of an instruction to the Committee, and this was to be moved on the Order of the day being read.

By Standing Order, July, 1854, it is provided: "That Bills which may be fixed for consideration in Committee on the same day, whether in progress or otherwise, may be referred together to a Committee of the whole House, which may consider on the same day all the Bills so referred to it without the Chairman leaving the Chair on each separate

Bill. Provided that with any Bill, not in progress, if any member shall object to its consideration in Committee together with the other Bills, the order of Committee on such Bill shall be postponed."

How were we to act up to the spirit of the order of 1852 and have an answer to the question why an amendment could not be moved on the motion : " That the two Bills be referred to the same Committee " ? We came to the conclusion that that motion should be considered a form of procedure necessary for the purposes of the instruction, and in its essence part of the instruction, and almost of the nature of an instruction. The reason for this view was that otherwise on reading the Order of the day, and on the motion : " That the two Bills be referred to the same Committee for the purpose of being made one Bill," one might have by such an amendment as Captain Hayter's the whole merits of both Bills entered upon and discussed. Before the motion was made : " That the Speaker do leave the Chair," the debate might be taken, the fate of the Bills decided, before any instruction to the Committee could be moved. Indeed, the event being carried, the instruction would never have gone forward.

On returning to my house on Monday morning I found that Sir Hugh Cairns and Mr. Walpole had called to see me, and soon they returned again. They called to speak about Captain Hayter's amendment. Mr. Walpole began : He had much considered the subject ; he had spoken to this man and that man. He had come to the conclusion that Captain Hayter could move his amendment on the

motion of referring the two Bills to the same Committee. I heard him to the end. I then said it was a new case, the first that had occurred since the Standing Order of 1852. I gave my reasons why I thought it would be more in conformity with our recent practice, and with that Standing Order, that it should be held not in order for Captain Hayter to move his amendment on that stage.

Mr. Walpole could not see this. Sir Hugh Cairns, however, said he saw great force in the reasons, and thought that it might be very inconvenient to establish such a precedent. I had pointed out that any two Bills might be referred to the same Committee, and on such a motion a regular discussion of questions might be anticipated.

Sir Hugh Cairns started a new mode of bringing Captain Hayter into the field. Supposing Mr. W. Martin should insist on his precedence, that he should move his amendment and be defeated, and "that Mr. Speaker do now leave the Chair" stood part of the question, as no amendment could be made to these words, an addition should be made to them, as thus: "That Mr. Speaker do now leave the Chair, but this House desires to express its opinion that the system of grouping boroughs proposed in the Bill for the redistribution of seats is neither convenient nor equitable, and that the scheme of Her Majesty's Government is not sufficiently matured to form the basis of a satisfactory measure".

In the end, when the House met, the difficulty was got over by an appeal made to members to withdraw their amendments. Mr. Bouverie was allowed to make his

motion, and to move his instruction without question or debate. Then Sir R. Knightley moved his instruction about bribery, that the Committee had power to make provision to prevent bribery, etc., and on this the Government was beat. (Ayes, 248 ; Noes, 238.)

With regard to Sir Hugh Cairns' proposal to add words to the motion : " That the Speaker do leave the Chair," I have had careful searches made through the journals to see if any precedent could be found for adding words in such a way. No single instance can be found, neither in the case of going into Committee on a Bill, nor in the case of a motion for going into Supply. I should therefore certainly hold that practice had decided the question, and that this formula : " That the Speaker do now leave the Chair," is not open to an amendment after it shall have been decided by the House : That those words stand part of the question. But for this rule the difficulties of getting into Supply would be multiplied to an untold degree, because if words in the nature of a resolution could be added to the words : " That I now leave the Chair," there might be a succession of these additions in an infinite series. The House has provided against this by permitting one amendment only to be made on the motion : " That I now leave the Chair ". In the case of a Bill—in order to give effect to the Order of the House—that the Bill should be committed on that day ; in the case of supply to Her Majesty, that this too should not be indefinitely postponed.

*5th June, 1866.*—On Tuesday we were engaged on the

motions, and were discussing the first motion, when Mr. Gladstone came to me and said : He had now received the message from the Crown about the Princess Mary on her marriage with Prince Teck. The question was : Could we interrupt business for such a message on the Minister presenting himself at the Bar ? It seems, as far as I could ascertain on a hasty examination, that it has always been the practice to bring up such a message at the commencement of public business. But the analogy of an answer to any Address, when we allowed business to be interrupted on the appearance of the Controller of the Household appearing in uniform at the Bar, made me think the message might be presented during the course of business. Accordingly, as soon as a motion was withdrawn, I called Mr. Chancellor of the Exchequer. Standing at the Bar he answered : " Message from the Crown ". It was brought up—Motion made that the message be considered on Thursday.

*Representation of the People Bill—Progress.*

18th June, 1866.—As soon as they had got into Committee, Mr. Gladstone rose to give general explanations of the clause (the £7 for the borough franchise). Sir Hugh Cairns rose to order. He said : It was not for Mr. Gladstone to move the clause, it was for the Chairman to announce the clause. Appeal was made to Mr. Dodson. He announced the clause. Gladstone again rose, and was again called to order. Mr. Dodson said : He had announced the clause, and then it was his duty to call on the first member who rose, so he had called on Mr. Gladstone,

who alone had risen, on the assumption that he would proceed according to order and would *conclude with a motion*. Mr. Gladstone again rose, and said he understood he might conclude with a motion : That the clause stand part of the Bill. Cries of No. Mr. Dodson said : That motion would preclude the consideration of all amendments unless it should be withdrawn. In the end Mr. Gladstone gave way.

Mr. Dodson's ruling was certainly, I think, right; for Mr. Gladstone to make a speech generally on the clause would be to raise a debate in the spirit of the second reading of the Bill. If this should be done in each clause there would be a sort of second reading of each clause, and really without any motion before the House. But the time for such general discussion, such second reading discussion, was past. The House was in Committee on the clause, and the amendments should be moved in their regular order.

After the amendments had been considered and settled, there might probably be a discussion on the motion : "That the clause stand part of the Bill," because a clause may be so altered in Committee by a series of amendments as to make it reasonable and indeed necessary that it should be considered as a whole, before final acceptance by the House.

The mace now in use in the House of Commons is not the mace of the time of Cromwell. It appears, from the journals, that after the death of Charles I. a new mace was ordered, 16th March, 1648, vol. vi., p. 166, which was moved from the Table as the bauble, 19th April, 1653. The House

ordered the mace to be brought back, 8th July, 1653, vol. vii., p. 282, and it remained in use during the Protectorate. A new mace was ordered after the restoration of Charles II., 21st May, 1660, vol. viii., p. 39, so that the mace now in use is a little more than two hundred years old.

The Government, left in a minority of eleven on the question whether the £7 franchise in boroughs should be based on rental or on rating, tendered their resignations. The division took place on Monday, 18th June.

*New Government formed by Lord Derby—Writs moved.*

6th July, 1866.—Mr. Gladstone, from the first, misconceived the spirit which prevailed at the General Election of last autumn, and so made a false estimate of the disposition of the new House of Commons as regards the question of reform. The more evidently this showed itself, the more vehemently Mr. Gladstone drove on, placing himself continually more and more in a false position with regard to a large portion of his followers. This course produced so much collision and ill will that, being left in a minority on the question of rating versus renting, he broke up the Government.

The person who had the largest part in breaking up the Government was Lord Elcho. He was against any lowering of the franchise. He said: To go below £10 would be to establish a democracy. He called upon me one day when I was ill and said that he was on his way to Lord Grosvenor, to try to induce him to put himself at the head of the party of the Cave. He said reform was not wanted.

If Bright was manfully resisted, he might easily be put down. His plan was to stop the Bill, and then to issue a commission to inquire into the requirements of the country, and into places of lateral extension. He went to Lord Grosvenor, who answered that before he came to any decision he wished to speak to two people; one was Lord Grey, the other was myself.

He came to see me. I pointed out to him the danger of the proposed course. Surely it would be wise to settle the reform question when there was a powerful Opposition to control extreme measures? He and his friends might exercise a powerful influence, acting in concert with the Opposition, in the details of the Bill. Lord Grey, having great hostility to Lord Russell and to the Bill, entered into concert with the founders of the Cave, and was in no small degree answerable for their unwise proceedings. Mr. Lowe and Mr. Horsman were the active spirits. Then took place the organisation of that wretched confederacy, the Cave. Lord Elcho was most confident. Mr. Laing was an active member. The Cave broke up Lord Russell's Government, and soon after broke up itself, as dissension arose among the members. They were in constant communication with Lord Derby and Mr. Disraeli, and Mr. Lowe was confident, and said he had assurances there would be no Reform Bill proposed by Lord Derby. When Lord Derby's Reform Bill was announced, Mr. Laing proposed that Lord Grosvenor should give notice to move in favour of household suffrage, and at a dinner at Lord Elcho's the project was to be considered, and Mr. Lowe was to be talked into

it. Mr. Lowe knocked the project on the head and said they must remember they were gentlemen. How could they, with their course last year, propose household suffrage? Mr. Lowe knocked this up, and broke up the party and left them; but Lord Elcho supported Lord Derby and Mr. Disraeli in every division, and he, who could not hear of lowering the franchise below £10, brought upon us household suffrage.

Mr. Smith, examiner of petitions, resigned his post. It became a question who should succeed him. The claims of Mr. Milman, son of the Dean of St. Paul's, had been much pressed upon me, and then of Mr. Fergusson Davie.

The following letter will explain the course I pursued, and my motives:—

*"25th July, 1866.*

"MY DEAR DEAN OF ST. PAUL'S,

"Mr. Smith having signified to me his intention of retiring, I have to consider about the appointment of a successor. I have borne in mind your wishes, and I have had a sincere desire to gratify them. I find myself at the head of a large staff, employed in the public service. Promotion is slow, and encouragement to exertion not active.

"I have thought it my duty to make merit and length of service the guiding rules of my action. I called into counsel Sir Denis le Marchant and Mr. Erskine May. I found Mr. Eales of excellent character and conduct, with twenty years' service. I could not pass him by, but Mr. Eales, looking forward before very long to become the head of his department, declined the offer. Next in order of merit and service came Mr. Palgrave, with superior abilities, great

intelligence, and fourteen years' service. I offered him the post, and he has accepted it. Very near of the same standing as your son is Mr. Fergusson Davie, but his senior by a year. He has great experience in this office, and his claims have been pressed upon me by a host of friends. I could not have passed him by in favour of your son. Such is my story. It would have gratified me very much to have been able to promote your son, but I think if you had been in my place you would have probably acted as I have felt obliged to do. Yours, etc.,

"J. E. D."

The Dean of St. Paul's answer :—

"BAGSHOT, 26th July, 1866.

"MY DEAR MR. SPEAKER,

"Your letter is unanswerable. If promotion in the public service were always awarded with the fairness and impartial judgment which you have exercised on this occasion, who would have a right to utter a word or entertain one thought of dissatisfaction? You must permit me to thank you, as I do most sincerely, for your kind and friendly expression towards myself. There are few persons from whom I should more willingly have accepted a favour, but I entirely acquiesce in the justice of your decision, and may console myself with the assurance that it was not any deficiency either as to character or ability which stood in my son's way, but simply the superior claims of others from standing and seniority. Be assured that I shall cherish a lively and lasting sense of your kindness. Yours truly,

"H. H. MILMAN."

*26th July, 1866.*—Great anxiety prevailed about the condition of things between the Secretary of State, Mr. Walpole, and the Reform League. The parks had been invaded, the iron railings torn down. There had been an interview between Mr. Beales, the Chairman of the League, and Mr. Walpole, and Mr. Beales had posted placards to say that Mr. Walpole had given way, and that a meeting would be held in the park on Monday. There was a feeling that Mr. Walpole had displayed great weakness.

At the morning sitting of Thursday, 26th July, Mr. Disraeli came to me and spoke of the state of affairs, and asked me what I thought of an Address to the Crown, asking the Crown to grant the use of the park for the purposes of general recreation, but not for meetings on political or religious subjects. I said that on the first blush such a course seemed to me to be open to the greatest objection. Mr. Walpole had spoken positively as to the law of the case, without doubt or reservation. Sir George Grey had concurred with him, and had supported him. The House accepted the statement without question. They had therefore already all they could obtain by a fresh answer from the Crown to an Address. To show hesitation or doubt at such a moment would be ruinous. It would justify doubt on the other side, and so give colour to the pretensions of the League. To open the question by an Address to the Crown would bring forth stormy remonstrances from the Radicals, and counter propositions.

I urged the Government to stand firmly on the ground that had been taken. All that the public required was

a show of firmness on the part of the Government ; at present an impression prevailed that great weakness had been exhibited.

The Government stood to their declarations, and there was a satisfactory debate in the House of Commons in the evening. I congratulated Mr. Disraeli on the result. He said to me : " It has turned out very well. I followed your advice exactly."

*27th July, 1866.*—I have written to Lord Redesdale to ask him whether the Lords would be disposed to turn the referees to any account for their House. Whether they would accept their reports on engineering and on estimates, as is done by the Committees of the House of Commons.

*1867.*—I asked the four referees of last year to act again. Sir W. Gibson Craig was kept in Scotland by the duties of his office and declined. I decided, as the business of the House was very light this year in regard to private business, to go on with three referees, and not to appoint a successor to Sir W. Gibson Craig.

*Rather a New Point of Order.*

*27th February, 1867.*—Mr. Whalley in a speech said that the Roman Catholic priesthood were the originators and promoters of Fenianism. I rose and called him to order and said : " Considering the terms in which the House had expressed itself as regarded Fenianism (as a conspiracy adverse to authority, to property, and to religion), for a

gentleman to say that the body of the Roman Catholic priesthood were the promoters of Fenianism, could not but be offensive to the House and passed the bounds of order".

This dictum must be defended on the ground that decorum of debate must be maintained. It is surely highly indecorous to say that the whole body of the Roman Catholic priesthood are conspirators and traitors. (A conspiracy adverse alike to authority, property and religion, and condemned alike by all who are interested in their maintenance.) But in this case the House had assured the Crown: "That all who are interested in the maintenance of religion disapproved and condemned Fenianism". Mr. Whalley flatly contradicted the House.

#### *Precedence.*

What gives precedence between two members for a county or a borough—the longest standing, or, in the event of a poll, the greatest number of votes? Mr. Moncrieff is the oldest member for Edinburgh, but at the last election Mr. McLaren was at the head of the poll, he claiming precedence.

The same question arose between Mr. Hastings Russell and Colonel Gilpin. Mr. Hastings Russell was the oldest member, but, on a contest arising, and the Russell party proposing to bring in two members, Colonel Gilpin came in at the head of the poll. Mr. Hastings Russell tells me that the question was referred to Lord John Russell, and he said the member at the head of the poll had precedence. They always acted on this rule in the City of London; for

instance, when healths were drunk, the member with the largest number of votes returned thanks first.

Sir E. May has some doubts about this. He says this rule may prevail in the city or borough, but he doubts whether in the House of Commons seniority and long standing would not be recognised. (It might by courtesy, but I doubt whether in a popular election anything can be of more force than the voice of the electors.)

J. E. D.

I received the following letter from the Lord Chancellor :—

"7 EATON SQUARE, S.W.

"1st April, 1876.

"SIR,

"Referring to the Address of the House of Commons to Her Majesty, agreed to on the 19th ultimo, praying that Her Majesty would be graciously pleased to give directions for the removal of all persons in the commission of the peace of any county, city or borough who had been found either by Committees of this House or by Royal Commission guilty of, or privy to assenting to, corrupt practices at parliamentary elections, and to Her Majesty's gracious answer, in which she was pleased to inform the House of Commons of her concurrence with them in the propriety of discountenancing all such corrupt practices, and that Her Majesty would take into her serious consideration how that object might best be accomplished, I have the honour to request that you will give directions that I may be furnished with a list of the names and

descriptions of all persons who have been reported by Committees of the House of Commons to have been guilty of, or privy or assenting to, corrupt practices at parliamentary elections, in order that I may be enabled to carry into effect the object of the Address.

"I have the honour to be,

"Sir,

"Your faithful Servant,

"CHELMSFORD."

To this letter I sent the following answer :—

"PALACE YARD,

"*3rd April, 1867.*

"MY LORD,

"I have had the honour to receive your lordship's letter of the first, referring to the Address of the House of Commons to Her Majesty, agreed to on the 19th ultimo, and to Her Majesty's gracious answer, and requesting me to give directions that your lordship may be furnished with a list of the names and descriptions of all persons who have been reported by Committees of the House of Commons to have been guilty of, or privy or consenting to, corrupt practices at elections.

"I submit respectfully to your lordship, that the House of Commons, having voted an Address to the Crown, and the Crown having sent a gracious answer to that Address, it rests with Her Majesty's advisers to take action in the matter according to their judgment. The facts are on record. The determinations of Election Committees, being

entered in the journals of the House of Commons, are accessible to any to whom you may entrust the necessary search, and if the aid of any of the officers of this House should be required, it shall be entirely at the disposal of your lordship. But I could not myself undertake to put any interpretation of my own on the words of the Address, or to give the limits of its operation without express directions from the House to that effect.

“ I have the honour to be,

“ My Lord,

“ Your faithful and obedient Servant,

“ J. E. DENISON.”

*4th April, 1867.*—Mr. Gladstone came to me shortly before I had to prepare for the House, to confer with me about the terms of an instruction to be moved on going into Committee on the Reform Bill.

Mr. Coleridge, on reading the Order of the day for the Committee on the Representation of the People Bill, to move: “ That it be an instruction to the Committee that they have power to alter the law of rating ; and to provide that, in every parliamentary borough, the occupiers of tenements below a given ratable value be relieved from liability to personal rating, with a view to fix a line for the borough franchise at and above which all occupiers shall be entered on the rate book, and shall have equal facilities for the enjoyment of such franchise as a residential occupation franchise”. Notice was given in the words above.

Mr. Disraeli came to my Chair and said he should have

to take counsel with me about the terms of the instruction. He and his friends thought no such instruction was needed. That they could in Committee alter the law of rating without an instruction. It was clear a good deal would turn on this instruction. I told Mr. Disraeli I would consider it carefully, but I thought it would be found good and free from objection.

On Saturday, when I came to consider the terms of the instruction, the weak point showed itself. I told Sir E. May I felt sure an amendment would be moved: "To leave out all the words after the law of rating". And before leaving London to go to Latimer, I wrote to Mr. Gladstone to say I had a strong impression that an amendment to that effect would be moved.

I took pains to consider with Sir E. May the precedents about instructions. I came to the conclusion that the instruction was good, and that without such an instruction Lord Grosvenor's amendment could not be moved. I was prepared to give this opinion :—

The instruction, as I understood it, proposes to effect extensive and important changes in the law of rating, and in the liability of different classes of persons to the payment of rates.

The Small Tenements Act, the adoption of which is now voluntary, at the discretion of the local authorities, it would make compulsory. It would overrule many local Acts which are in force in several boroughs. Such changes are not merely incidental to registration, and to the enjoyment of the franchise, but affect the rights and interests of large

classes of owners and occupiers, at present governed by other laws, and alter materially the incidence of local taxation in parliamentary boroughs. According to precedents, it would not, I think, be competent for the Committee without an instruction to enter on such extensive alterations of the existing laws of rating, and therefore, in my opinion, the hon. member is entitled to move his instruction.

In 1860, and again in 1866, in the Bill for the representation of the people, an instruction to consider bribery and corruption held good. But this abuse of the privilege of voting is very relevant to the franchise.

I wrote to Mr. Gladstone on Saturday afternoon, before going to Latimer, that I had an impression an amendment would be moved on the instruction, to stop at the end of the first sentence: and so it turned out—forty-eight men met in the tea room and agreed that they would not vote for the instruction.

The first sentence was accepted, the rest given up.

#### *Precedents.*

1865, 10th May.—County Votes Registration: Instruction necessary to extend the provisions to cities and boroughs.

1862.—Markets and Fairs, Ireland: Instruction good to make provisions for an equalisation of weights and measures in all mercantile transactions in Ireland.

1865, 11th May.—Union Chargeability Bill: Here was a precedent for adding words of explanation to the mere

giving powers. Mr. Bentinck: "That it be an instruction to the Committee (with a view of rendering the working of the system of Union Chargeability more just and equal) they have power to facilitate in certain cases the alteration of the limits of existing unions".

*29th April, 1867.*—Resolution moved on a second reading. Amendment to be inserted. Amendment proposed to the amendment.

I held that the amendment having prevailed over the original motion for the second reading, that the second reading was superseded for the day. Then the debate was adjourned, before agreement arrived at, as to the words to be inserted. So, if it goes forward, another day will be consumed in putting in the words. Then the Bill cannot be read a second time on that evening. That evening is merely a prolongation of the former evening.

*6th May, 1867.*—I have had a great deal of trouble in making the new arrangements about the library, consequent on the death of Mr. Varden.

I took counsel with Mr. Disraeli and Mr. Walpole, and submitted a memorandum to them and a similar memorandum to Mr. Gladstone and Sir George Grey. They all entirely concurred in the proposed arrangement.

Mr. Howard promoted to be librarian with a salary of £1000 a year; for this to do all the work required of him, including the arrangement of parliamentary papers, but

not the indexing, for which Mr. Varden had £400 a year allowed. The salary of £1000 a year, in part consideration of his not having a house. The question of house to arise whenever either of the houses now held by Assistant-Sergeant and Deputy-Sergeant should fall vacant. Mr. Hearn appointed assistant librarian. Sir Erskine May to have the house lately in the occupation of Mr. Varden. Smith to be clerk to the library, and to have a salary of £200 a year. Benbow, the messenger, to be taken into the library, and to assist Smith.

*Letter to Lord John Manners.*

*"7th May, 1867.*

"MY LORD,

"On a review of matters relating to the library, after the death of Mr. Varden, it was considered by the Parliamentary Commissioners, the Chancellor of the Exchequer, and Mr. Walpole, in conjunction with myself, that the officer of the House best entitled to any official residence was the clerk assistant, Sir Erskine May.

"With the sanction of those gentlemen, I address this to your Lordship, with a request that the house may be prepared for the reception of the clerk assistant.

"Yours, etc.,

"J. E. D."

Lord John Manners came to speak to me, 8th May, and said there was no record in his office as to the mode and manner of appropriating official houses. In

whom was the power vested? Was he to take the Queen's pleasure? etc. I told him I would make inquiries and let him know.

I found from Mr. Gosset that the power was vested in the Lord Great Chamberlain; that he issued warrants both for the offices in the House and for official residences. As the building went on, as any office got completed, application was made to the Lord Great Chamberlain for warrant to authorise and sanction its appropriation. Mr. Gossett remembers that on the completion of the journal office, he, Captain Gossett, wrote by the desire of the Speaker for a warrant for its occupation. Captain Gosset wrote in like manner for a warrant for his own house. He showed me this and several other warrants. Upon this, I wrote to the Lord Great Chamberlain:—

*"9th May, 1867.*

"MY LORD,

Upon the death of Mr. Varden, the department of the library was subjected to a careful consideration by the Chancellor of the Exchequer, and Mr. Walpole, as Commissioners of the House of Commons, in conjunction with myself; we came to the conclusion that the official residence lately occupied by the librarian ought, in future, to be attached to the office of clerk assistant. I have the honour to request that your Lordship will be pleased to issue a warrant to authorise and sanction such appropriation.

"I have, etc."

I also wrote a letter to Lord John Manners, communicating to him what I found the practice had been, and telling him that I had written to the Lord Great Chamberlain.

Answer from Lord Great Chamberlain :—

*" 20th May, 1867.*

"The Lord Great Chamberlain presents his compliments to the Speaker, and has the honour to enclose, in accordance with his request, a warrant for the occupation by the clerk assistant of the apartments lately held by the librarian of the House of Commons."

After my return to the House, after a long sitting of a Committee, while I was engaged in passing the Order of the day, Mr. Layard came to complain of language which had been used by Mr. Harvey Lewis, who had come up to him in the lobby, on a division, and had told him that he was a d——d liar, referring to a speech by Mr. Layard in Southwark, who had said that there were traitors in the camp of the Opposition who neutralised their power of useful action.

Shortly after, Mr. Layard rose and made a complaint to the House. Mr. Harvey Lewis made an explanation and apology. Mr. Disraeli then spoke in a bantering tone : that there did not seem anything to complain of to the Speaker ; that the honourable gentlemen seemed to entertain for each other sentiments of mutual respect.

I thought the matter was treated with too much levity, so I added a word, saying that the House should not be made the theatre for such disputes, etc.

There has been a good deal of talk about this, and about some other disputes of a similiar kind. I had a day ago, 29th May, a talk with Disraeli about what the course of the House ought to be. We must keep order in debates, but these disputes between members about things which have taken place out of doors (as Mr. Layard's speech at Southwark) are not things which concern the House ; such appeals as Mr. Layard's ought to be discouraged. What would Mr. Layard have done if the same words had been addressed to him in a club or the street? Whatever he would have done, it was open to him to do when the words, privately spoken, were addressed to him in the House.

19th November, 1867.—House met for a short session to vote supplies for the Abyssinian War—£2000 voted.

*India, China and Japan Mails.*

Friday, 29th November, 1867.—1. Mr. Hunt: That the contract for the conveyance of mails between this country, India, China and Japan, with the Peninsular and Oriental Steam Navigation Company be approved.

Mr. Ayrton thought this motion should be made in a Committee of the whole House, and not in the House, but I did not agree with him, or think it suitable.

The House proposed to exercise a check on the Treasury and to be satisfied about its course. It was not an occasion of voting money, or taxing the subject.

1868.—House met 13th February. A question has been raised privately with me about the Provost of Edinburgh having the same privilege granted him as is exercised by the Sheriffs of London, and by the Mayor of Dublin, of presenting petitions in person at the Bar. The whole subject was threshed out, and exhausted in a debate, 1813, February, on the question of granting permission to the Mayor of Dublin to present a petition at the Bar. The Mayor of Dublin wrote a letter to the Speaker for permission to present a petition in person, as is done by the Sheriffs of London. Mr. Grattan made a motion that leave be granted. Lord Cochrane moved that the same permission be granted to the Lord Provost of Edinburgh. Mr. Tierney said the Scotch were sensible people, and would never think of sending the provost 400 miles to present a petition. Besides, the Lord Provost had not made the request. This proposal was negatived. To the Lord Mayor of Dublin leave was granted. During the debate, it was said the Sheriffs of London presented petitions by right. This was denied. It was by courtesy, but not by right. The Crown only had a right to knock at the door and demand admittance. When the Sheriffs attend, and their presence is announced, the Speaker always puts it to the House: "Is it your pleasure the Sheriffs be called in?" This was once contested, and a vote refused. I put all this before the Lord Advocate and Mr. McLaren, and in the end the Lord Provost did not make his application. Now was first brought to my notice the monstrous abuse of the Sheriffs giving a

great dinner at the House, and inviting thirty or forty members.

*25th February, 1868.*—At half-past four on Tuesday, 25th February, Lord Stanley rose, after the notices of motions, and before the questions were called on, and announced to the House that his father, Lord Derby, had on account of his health tendered his resignation to the Queen, and that it had been accepted ; that the Chancellor of the Exchequer, Mr. Disraeli, was in consultation with the Queen about the formation of an Administration. The announcement was received in silence. When it was announced that Mr. Disraeli was engaged in forming an Administration the silence was not broken by any expression of opinion, one way or the other.

After an adjournment of the House, renewed a second time, on Thursday, 5th March, Mr. Disraeli came to the House as Prime Minister. He walked up to the House a few minutes before half-past four—the *Times* newspaper announced, amid general cheers. This was much overstated. The Opposition side was silent ; below the gangway on the Ministerial side, silence. A fair amount of cheers behind the Treasury Bench ; by no means an unfriendly reception, but certainly not an enthusiastic greeting.

It is true that Mrs. Disraeli had never attended a debate in the House of Commons. I have proposed to her once or twice to come, but she has always declined ; said it would make her nervous, and such-like excuses. But on the day on which Mr. Disraeli took his seat as Prime Minister, Mrs.

Disraeli wrote and begged that she might have a seat. She came, and a day afterwards she told me that she had resolved she would not attend a debate till she could see Mr. Disraeli take his seat as Prime Minister.

What a career Lord Derby's has been. At Oxford an eager Whig; as such he entered the House of Commons. As the opinion of the great bulk of the nation advanced he continually drew back. He left Lord Grey's Government from its too liberal policy about Ireland. He joined Sir Robert Peel, and he could not keep pace with Sir Robert Peel, and left him on account of his too liberal commercial policy. He put himself at the head of the most backward section of the Tory party. He then declared his mission was to stem the torrent of democracy. He succeeded in defeating Lord Russell and Mr. Gladstone's Reform Bill of 1866. Then called to form an Administration, he said he would not be turned out on reform, so brought in a Bill for household suffrage, carried it with the help of the Radicals, and then on the third reading of his own Bill, said: "We are taking a leap in the dark". He took office and ventured on this wild course when his health was broken with gout, when he could not look forward to a continuance in office. On the 25th February, 1868, he tendered his resignation, and his official career closed.

*16th March, 1868.*—At the close of the debate on Mr. Maguire's motion, Mr. Gladstone made his declaration against the continuance of the Irish Church as a State

Church. That it must be disendowed. That religious equality must be established.

*23rd March, 1868.*—Mr. Gladstone placed on the Table the terms of his notice about the Irish Church.

*Tancred's Charity Bill.*

*Wednesday, 25th March, 1868.*—Mr. Lefevre, who was much opposed to this Bill, and desired to let no opportunity slip of defeating it, asked me whether he could not raise an objection on a point of order: That the Bill really was a private, and not a public Bill.

The case seems to be as follows: The Bill is founded on a scheme of the Charity Commissioners, under the Charity Trusts Act. Last year a Bill was introduced to confirm that scheme, which was treated in all its stages as a public Bill. It was referred to a Select Committee, and the scheme was amended by the Committee. But the Bill did not pass into a law. The present Bill is, as I understand, in the amended shape in which it was reported from the Select Committee. The Hon. M.P. for Reading admits that the Bill was properly introduced as a public Bill last year, but he contends that, being introduced not merely to confirm, but to amend the scheme, it ought to be introduced as a private Bill. But being founded on the scheme of the Charity Commissioners, the confirmation of which, by the Charitable Trusts Act, is properly sought by a public Act, it appears to me that the introduction of amendments made

by the Committee to the scheme will not alter its character. Mr. Lefevre finding that my decision must be against him, did not raise the point of order, but opposed the Bill on its merits, and threw it out.

The debate on the Irish Church commenced on Monday, 30th March, and concluded on Saturday morning, the 4th, between two and three o'clock. (Ayes, 330; Noes, 270—majority, 60.)

A second division was taken on the main question. (Ayes, 328; Noes, 272—majority, 56.)

It happened in this second division that two Liberals, Mr. Miller and Mr. Trail, voted by mistake in the wrong lobby. Poor old Mr. Trail, very infirm, had come a long distance to give his vote, and put himself into the hands of Mr. Miller, who led him into the wrong lobby. But for this accident, the majority would have been in both cases sixty.

When the question was first proposed it was calculated that the majority might be from twenty to thirty. The highest estimate of the most sanguine partisan was that possibly the majority might reach nearly forty.

The whole business was miserably managed by the Government. Lord Stanley's amendment, and his speech proposing it, were very coldly received. Lord Cranborne, from the flank of the Government, made a most telling assault upon them. Mr. Hardy, the next day, by a speech in a totally different vein, raised the spirits of his party, but in doing so only exposed the real differences that existed in the Cabinet on the subject.

On Friday evening Mr. Disraeli rose to reply at half-past ten. He had been dining, and only came into the House at ten o'clock. He began tolerably well. He spoke till one o'clock, two hours and a half, and a very bad speech it was. His colleagues on the Treasury Bench did not know which way to look; Sir S. Northcote, sitting close to him, hung back his head, and, with the gas full on his face, pretended to be asleep; some hung down their heads, some turned quite away. Some pretended to be asleep; perhaps they really were, for anything more wearisome I never heard.

In the meantime, the total failure of anything like argument or defence told upon the division. Every doubtful man voted against the Government, and many had been doubtful. Some who were considered certain as in favour of the Government voted against them, as Sir R. Peel and his colleague Mr. J. Peel. Not one of the thirty who had formed Lord Elcho's party voted with him. He alone voted with the Government. Lord Grosvenor, Major Anson—all deserted him.

We left London at five o'clock on Saturday, 4th April, and got to Ossington at 8, the quick train stopping for us.

On Sunday, 5th, I wrote a letter to Mr. Disraeli about the form of Mr. Gladstone's resolutions. I had met the Lord Chancellor one morning last week in the park; he had joined me, and spoke about the resolutions, especially about the Address to the Crown originating in the Committee.

" 5th April, 1868.

" DEAR MR. DISKAELI,

" The Lord Chancellor, whom I met a few mornings ago in the park, said something to me about the form of the resolutions on the Irish Church, to be moved by Mr. Gladstone in the Committee, and especially as to the Address to the Crown. I observed that Lord Mayo in his last speech alluded to this point, and said he thought Mr. Dodson would be surprised when required to put such a question from the Table.

" I have considered the point, and do not think that any valid objection can be raised to the proposed course. The House has resolved itself into a Committee to consider certain Acts relating to the Church of Ireland. The Committee, let us say, embodies its opinion in two resolutions and in an Address to the Crown. These are of no effect till they have been reported to the House, and have been affirmed by the House. Then they become the Acts of the House. The Address to the Crown would be an Address from the House and not from the Committee.

" I had a search made for precedents, and one was found in 1779, running on all fours with the present case.

*" East Indian Affairs.*

" That the House resolve itself into a Committee to consider certain Acts relating to East Indian affairs. The Committee agreed to two resolutions and to an Address to

the Crown. Resolutions reported and voted, and Address to the Crown agreed to.

"You would not like that any objection should be raised which could not be sustained. I therefore trouble you with this letter which, I need not say, requires no reply.

"Yours, etc.,

"J. E. D."

The division on the Irish Church, and the large majority of sixty, was remarkable in many ways.

If a vote of want of confidence in the Government had been proposed, a considerable number of the majority would not have voted. Therefore the vote was given more on the merits of the question than in a party sense. Then there were several members who were at the outset unfavourable to the question, as Sir R. Peel. But in the end every doubtful man seems to have voted for the resolutions.

How is this to be accounted for? Partly, I think, from the very bad defence made by the Government. Partly from the innate strength of the proposal itself. When people were brought to the point, to vote for or against the Irish Church, they felt compelled to vote against it.

This is one of the first fruits of "the leap in the dark". The leap in the dark was made to save Lord Derby's Government, to enable him to stay in office, by playing into the hands of the Radical section. With their aid he carried household suffrage and maintained his Government in a minority in the House of Commons. But a Conservative Government in a minority in the House of Commons,

and in a minority of sixty on a capital point of policy, is a most dangerous state of things.

The Government can carry no measure of their own; they must frame all their measures so as to catch some section of their opponents. With this object they hoped to catch the Ultramontane Roman Catholics by the offer of a Catholic University. They give way on every point. This session they have surrendered Church rates, and the conscience clause, and flogging in the army.

*Peerage Ireland Bill—Second Reading.*

*Wednesday, 29th April, 1868.*—Sir Colman O'Loughlan: Exception taken that the Bill affected the royal prerogative, and the consent of the Crown had not been given. Question put to me.

Answered: That the Bill, as it affected in an important degree the prerogative of the Crown, could not be read a third time unless the consent of the Crown was signified.

The reason for not insisting on the consent of the Crown in the first instance would seem to be that some arguments might be introduced in the course of the debate that might influence the Crown to grant its consent.

*Wednesday, 29th April, 1868.*—Artisans and Labourers Dwellings Bills, as amended, to be considered.

Mr. Ayrton (amendment, schedule A): The effect of this amendment would be to extend the area of rating, and this could not be done on the report; it could only be done in Committee.

Two areas of metropolitan taxation.

1. City of London and its liberties.
2. The district subject to the Metropolitan Board of Works.

The object of the amendment was to substitute one general rate for the whole metropolis, including the city of London. So if any parish in the outer district was to adopt the Bill, the rate would extend over the city of London also.

*21st May, 1868.*—The Queen having gone to Balmoral, and the very same evening the Government having been beaten on two divisions—one on Mr. Baxter's motion: An instruction to the Committee on the Scotch Reform Bill to disfranchise eight small boroughs in England; the other: Mr. Bouverie on the rating franchise of the Scotch Reform Bill—and a sort of political crisis having arisen, Mr. Rearden brought a notice to the Clerk of a question to be put as to-day, Thursday, 21st May: "To ask the Prime Minister, as the Queen's health appears to be so weak that she cannot live in England, whether he has advised her to abdicate in favour of the Prince of Wales". I authorised the Clerk to decline to have this notice printed, on the ground that it was an infringement of the rules of the House.

The Queen's name is not to be mentioned irreverently. A member may give a public notice, or ask a question in the face of the House.

But I wished to protect the notice paper, not to permit it to be used as an advertising sheet, and to have questions

printed with the semblance of a sanction, which perhaps would never be asked, perhaps would not be permitted to be asked by the House. I got on the 22nd this letter from Mr. Disraeli :—

“ GROSVENOR GATE,  
“ 22nd May, 1868.

“ DEAR MR. SPEAKER,

“ The Queen is anxious that I should say something about her absence from the seat of Government at this moment, and I think the statement would give satisfaction. But these things should never be forced.

“ Mr. Rearden, though a mean fellow, might give me an opportunity. It would seem that he persists in giving notice of his question. Could I move that his question be not received at the Table, and then take the opportunity of saying what Her Majesty wishes? I have told the Queen that I should consult you, and I should really be obliged if you would assist me with your counsel.

“ Ever yours sincerely,

“ DISRAELI.”

I answered that I had heard nothing further from Mr. Rearden of his intentions ; perhaps he might have been advised to employ a different form of words. If he persisted in reading out the question of which he had given notice, by the time he came to the word abdicate it would be my duty to rise, and I had no doubt that the House would almost run before me in its expressions of disapproval ; that this would probably afford him a suitable opportunity of

saying what he wished to say on the Queen's behalf—and this really came to pass.

Mr. Rearden asked his question. The House condemned it by the loudest disapproval. Mr. Disraeli sat still, and said nothing, and I think he judged rightly in so doing.

*26th May, 1868.*—I gave evidence before the Committee on the Boundary Bill, and set before the Committee the case of the villages round Nottingham which it was proposed to include in the new boundaries. I sent an atlas with county maps, and I showed the Committee how that more than half the northern division was a borough already, Bassetlaw occupying more than half—nearly two-thirds—of the area of the division, and the proposal was to make another large borough in the south, thus cutting off the head and tail of the division.

On Friday, 30th, the Committee reported, and recommended that fifteen of the most important boroughs, Nottingham among the number, should remain unchanged, keeping their existing boundaries.

Committee: Mr. Walpole (Chairman), Sir Stirling Maxwell, Mr. Bruce, Mr. Whitbread, Mr. Kirkman Hodgson. Mr. Disraeli, after having appointed the Committee, in order to avoid the difficulty of a hostile vote on clause 4, when the Committee reported in a spirit unfavourable to his views, although they were unanimous in their verdict, proposed to pass by the report of the Committee without notice, and to go on with the Bill framed on the report of

the Commissioners, as if the Committee had never sat. Mr. Hibbert (11th June) moved to confirm the report of the Committee, by omitting the fifteen important places altogether from the schedule. This was carried by a majority of nearly forty.

*2nd July, 1868.*—Thanks to Sir R. Napier, the despatch containing the names of the officers who had distinguished themselves was so long delayed on the road that Sir R. Napier himself was expected to be the bearer of it. I thought if he had arrived he would have been thanked in person by myself, and I read through the despatches with a view of preparing myself for the object, but on looking at the precedents, I found that thanks by the Speaker in person were only given to officers, who were also M.P.'s, in the case of the Crimean War.

*Thursday, 16th July, 1868.*—Said to have been the hottest day known in England for very many years.

The House met at twelve and sat till four o'clock. Met again at six and sat till nearly half-past three o'clock—thirteen hours and a half. On Friday, 17th July, House met at two and sat till seven o'clock. Met again at nine and sat till half-past two o'clock, when, on a division being called for, about twenty-six members only were found to be present.

*Saturday, 18th July, 1868.*—House met at twelve o'clock, having a list of Orders set down; very unusual for a Saturday.

This was the greatest pressure ever put upon my strength, and almost too high a trial. On Friday night I was in a feverish state, and could not sleep, and I thought I could not possibly go to the House at twelve o'clock on Saturday, but I contrived at last to do so.

*Returning Officers.*

Strange state of the law as regards the votes of returning officers :—

1. In England and Wales, a sheriff or returning officer, if a registered elector, has a right to vote as such, but has no second or casting vote in the capacity of a returning officer.

2. In Scotland, returning officers, though registered as electors, are deprived of their votes.

3. In Ireland, the returning officer, in case of an equality of votes, is required to give a casting vote, whether he be a voter or not.

1868.—There was an interval of four months between the prorogation of Parliament and the dissolution. An appeal was made to the new constituent body, formed on the basis of household suffrage. The appeal was mainly : Were they for or against the disestablishment of the Irish Church ?

The whole autumn was devoted to canvassing. In the end, the electors of the three kingdoms gave their verdict. A majority of 115 pronounced in favour of Gladstone and disestablishment of the Irish Church.

Parliament was to meet on Thursday, 10th December, but about a week before the day fixed Mr. Disraeli resigned

office. Mr. Gladstone was sent for by the Queen, and undertook the task of forming a Government.

Still Parliament was to meet on the day fixed. It was necessary that it should do so, for until the House of Commons had elected a Speaker, and had its relations established with the Crown, there was no power to issue writs for the re-election of Ministers. But on the other hand, the Crown was not in a condition to deliver a speech, having no complete body of Ministers to frame one, and the House could not discuss questions of public policy with no Ministers sitting on the Treasury bench. Sir Erskine May was consulted by Mr. Gladstone, and he suggested a course in which I entirely concurred :—

The House should meet and should elect a Speaker, and then when the Ministers had been sworn, and Black Rod should again summon them to the Bar of the House of Lords, the Commissioners, instead of delivering in the usual course a Queen's Speech, should say :—

“ MY LORDS AND GENTLEMEN,

“ We have it further in command from Her Majesty to say, that on account of the formation of a new Government, vacating of seats, etc., it was Her Majesty's pleasure that the House should have an opportunity of issuing writs”—and then, after a suitable recess, Her Majesty would give her reasons for calling Parliament together, *i.e.*, her speech. This course was quite decided on.

The House met on Thursday, 10th December, at two o'clock. Sir George Grey came all the way from Northum-

berland to propose me as Speaker ; Mr. Walpole, from the Opposition side, seconded my nomination, and the House confirmed the nomination by an unanimous voice.

On Friday, the 11th, the Crown approved the choice. After my return from the House of Lords, I took the oaths, and members proceeded to take the oaths till near six o'clock. About 300 were sworn that afternoon. On Saturday, between two and four o'clock members were further sworn.

On Saturday morning, the 12th, about eleven o'clock, I set out to take a walk. I crossed the park, mounted the steps by the Duke of York's column, and finding myself so near Mr. Gladstone's door, I thought I would call on him, or on Mrs. Gladstone. I asked the servant for Mrs. Gladstone, saying no doubt Mr. Gladstone was busy, and I would not interrupt him. Mrs. Gladstone said : " I must tell William you are here ; he will certainly wish to see you ". Accordingly, I went into Mr. Gladstone's room. He said : " Oh, I am very glad to see you ; I will tell you exactly what we are going to do, and I will show you the Queen's Speech ". " The Queen's Speech," I said, " why, the Queen is not to make a speech. Everything has been contrived that she should not make a speech. A speech would require an Address in answer ; an Address would necessitate a debate. There are no Ministers to take part in a debate."

Mr. Gladstone said : " How is this ? I have not had time to look into these details," and unlocking his box, lo ! and behold, there was a Queen's Speech—a short one, but

still a speech. "I do so and so." Mr. Gladstone said : " I have left all this to the Chancellor, this is his framing ; you may depend upon it the Chancellor has seen Sir E. May, and this has been agreed upon. I said : " Certainly, it is a mistake. How it has arisen I cannot say ; I don't believe the Lord Chancellor has seen Sir E. May."

Mr. Gladstone turned to a precedent that had been brought him which occurred in the year 176-. I said : " But that is a warning to be avoided, not a thing to be followed. The King made these two speeches, and had an amendment moved on the Address in answer to each, and had two hostile debates."

Mr. Gladstone said : " What is to be done ? I am going off to Windsor in ten minutes, and it will be a great object to get all the business over with the Queen, and Monday next is the anniversary of the Prince Consort's death, and no business can be done. Could you ascertain whether anything has taken place between the Lord Chancellor and Sir E. May, and then send me a telegram to Windsor Castle ? "

I turned home ; found Sir E. May ; he had not seen the Lord Chancellor. I went myself to the telegraph office, and sent these words to Mr. Gladstone at Windsor Castle. " Not in the form of a speech," but " we have it further in command from Her Majesty ". The telegram reached Mr. Gladstone as he got out of the railway. He had to borrow a pencil, and change the form of the document to be submitted to the Queen.

On the return of the Ministers from Windsor the Lord Chancellor came direct to my house to explain how the

error had originated. It was left to him to prepare the paper. He sent to Mr. Gladstone for Sir E. May's draft. Mr. Gladstone could not lay his hand upon it. The Lord Chancellor began working on some old precedent from Hansard.

He brought with him the paper. It was badly framed. He left it with me, and Sir E. May revised it, and put it into the form in which it was read from the Woolsack, which I in turn read to the House of Commons, and which appears in the journals. The form of this "communication" as I called it, answered its purpose completely. There was no address, no debate. The House accepted it, and proceeded at once to issue writs.

There were all sorts of questions about issuing writs. The judges to whom the trial of petitions had been relegated began their work very badly. The Act says: "Petitions may be presented within twenty-one days after the writ has been *returned* to the Crown office". The judges said: "Oh, we had better say *returnable*," *i.e.*, give twenty-one more days for presenting petitions after the meeting of Parliament. The judges had actually agreed to this course, entirely regardless of the words of the Statute. They were brought to their senses by strong remonstrances from Sir E. May, with the Statute in his hand.

In some cases, especially as regarded Irish counties, the twenty-one days had not expired. All the writs which were free from objections were issued. The House adjourned to Thursday, the 29th, for the purpose of issuing the remainder of the writs.

On Wednesday, 16th, I spent between two and three hours in the House of Commons considering whether it would be possible to make a little more room for members.

On Thursday, Mr. Layard, Mr. Barry, and myself agreed :—

1. To put a second bench in the gallery, the whole width of the House, filling up by it the present passage behind the diplomatic gallery.

2. To give to members the two first benches on each side under the gallery.

3. At my suggestion the backs of the benches on the floor, the Treasury bench, Opposition bench, and the two benches below the gangway, are all to have their backs raised six or seven inches ; to have the stuffing of the seats made more comfortable. In this way there will be no pretence for members to stretch themselves out with their heads leaning on the back of the seat, which Mr. Gladstone is in the habit of doing. I spoke to him about the unseemly effect of this, which he quite admitted, but said his head wanted rest so bad. He agreed that there should be no more "horizontalists".

It is my opinion that, within the main walls of the present building, sufficient space may be contrived for members, by throwing back the reporter's gallery fifteen feet, without the expense and inconvenience of building a new House.

On account of his increasing deafness (he is now nearly stone deaf) Mr. Ley has tendered his resignation. I shall have to recommend a successor.

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" OSSINGTON,

" 21st December, 1868.

" DEAR SIR D. LE MARCHANT,

" As Mr. Ley has placed his resignation in my hands, and his tenure of office ought probably to terminate with the year, it becomes my duty to consider who ought to be recommended as his successor. It is of great importance that the Table should be strengthened. I shall not allow personal considerations to influence me at all. I shall wish to look out for the man who seems best fitted for the post and likely to make an able and efficient assistant. I shall be glad to know who, of the entire staff of the House of Commons, you think the best qualified for the office.

" Yours, etc.,

" J. E. D."

*Copy of Letter to Mr. Gladstone.*

" OSSINGTON,

" 1st January, 1869.

" MY DEAR MR. GLADSTONE,

" Mr. Ley, the second clerk assistant, has tendered his resignation ; his deafness has increased upon him to such a degree that he is incapacitated from his work. It becomes my duty to recommend to you a successor to the post. This has been to me a matter of anxious consideration. The best return I can make to the House of Commons for its kindness to myself, is to bring into its service the most able and accomplished man that can be found. I have diligently sought for such a man, putting aside all private wishes and personal considerations. I

believe, indeed I may say I am sure, that Mr. Reginald Palgrave, examiner of petitions, is the man best qualified for the post. Sir Denis le Marchant and Sir E. May agree that he is by far the most able man on the staff of the House of Commons. I enclose Sir E. May's account to me of Mr. Palgrave's service and training. It will be my duty at the end of this month to recommend Mr. Palgrave to you for the Queen's approval. Mr. Ley will resign at the end of this month ; by that time Mr. Palgrave will have completed his duties as examiner for the session.

"I have been glad to make up<sup>n</sup> my own mind on the point, because applications for the post are beginning to come in to myself, and they probably may to you also. In recommending Mr. Palgrave I believe I am recommending the best man, and for that reason only is he recommended.

"Yours,

"J. E. D."

1869.—I came to London, 15th February, to dine with Mr. Gladstone on that day, and for the meeting of Parliament on the 16th. I found a note from Mr. Gladstone waiting for me, consulting me about the form of his notice relating to the Irish Church. He thought of giving notice of a resolution or resolutions.

I deprecated resolutions altogether. The whole time would be occupied in discussing resolutions, without having the matter in real figure and substance before the House. I recommended that when we got to the Committee the motion should be : That the Chairman move for leave to

bring in a Bill for — (whatever the title of his Bill might be). Mr. Gladstone gladly accepted the proposal, and was delighted to get free of resolutions.

At dinner Mr. Gladstone said the House might present the Address in answer to the Royal Speech in person. I said the House could hardly do this, when the Queen had not been in person to open Parliament. The next morning I wrote a note to Mr. Gladstone to say there was an established practice about Addresses. When the Sovereign opened Parliament in person, each House presented its Address in person, if the Sovereign remained in town. The Queen, on the occasions when she had opened Parliament in person, never has stayed in town. She has always gone away immediately. When the Sovereign opens Parliament by commission, the House presents its Address by commission, *i.e.*, by Privy Councillors. There is much good sense in this. I asked whether it wouldn't be better to adhere to the practice.

Mr. Gladstone was very loth to give up the idea. I had the journals searched. There has never been a precedent for a different course, except one, after the battle of Trafalgar and the death of Nelson. The Duke of Gloucester, having lately died, the king did not open Parliament in person. The Houses waited in person on the king, condoling with him on his family bereavement, with their Address, and entered in the journals that they did so. In the index to the journals it is put: *Though* the king had not opened Parliament in person. This exception proves the rule.

*Wednesday, 17th February, 1869.*—Lord Granville came down to the House of Commons to see me. The House was up about one o'clock for, by design, the Committee did not come in time with the report of the Address. Lord Granville was much bent on the project of the Address being presented in person. The Government, in fact, have asked it of the Queen, and now they find themselves in a great difficulty. Mr. Gladstone announced that the Queen would receive the Address in person. The House agreed to present it. Controller of the Household came down with his big gold stick and fixed the time—Monday, at twelve o'clock.

The next day came a telegram from Osborne that the Queen could not leave Osborne. Prince Leopold, an invalid all his life, was less well. On Monday the resolution was rescinded, and the Address was presented by Privy Councillors.

Lord Salisbury revives Lord Derby's Bill for power to hang up Bills to the next session.

Lord Granville proposes a Joint Committee of the two Houses. It will never do to give the Lords this new power of obstructing legislation.

Since the passing of the Reform Bill, there has generally been a majority for the Liberal party in the Commons, and of the Conservative party in the Lords. When party contests grew warm, as they did towards the close of Lord Melbourne's Government, and during the time of Lord John's Government, the majority in the Lords was brought to bear heavily against the Government. Lord Lyndhurst

used to make his review of the session, and the burden of this was to show how unfit the Government was to hold office. It could not pass its measures, because the Lords stopped them. If at that time the Lords had possessed the power of hanging up measures, they would have used it for party purposes, and hardly any measures would have passed.

My main reason against the measure is that in its exercise it would have been fatal to the House of Lords. What measures, I asked, would the Lords wish to hang up? Would it be a Reform Bill? Oh no, not a Bill of such great importance. But take the Bankruptcy Bill, a long and complicated Bill, surely the Lords might require full time to consider such a Bill? Well, take the Bankruptcy Bill: Suppose it leaves the House of Commons with the same amount of favour which it has received on its introduction, that it promises to check fraudulent bankruptcies, etc. If the Lords should propose to put off the consideration for a year, would there not be a great outcry? Unless the Lords can keep pace with the legislation of the day—if they are always twelve months behindhand—will they not sink in public estimation?

Lord Granville called on Saturday, 6th March, to say that some of the peers were dissatisfied with the arrangements about the seats in the House of Commons. I wrote him a letter, to be shown to the peers. The letter answered its purpose, and calmed the agitation.

M. Schneider, President du Corps Legislatif, Paris, sent over the Chief Secretary of the Chamber, M. Dupeyres, with

a letter to me, asking facilities for M. Dupeyres to make himself acquainted with our parliamentary system. Every facility was afforded him.

He was to have written a report, which was to have been sent here for supervision, but he was called back suddenly to France. He did not send his report, and now, 15th July, the emperor has sent his message, proposing great changes in the powers of the Chamber.

*8th July, 1869.*—Letter from the Foreign Office that the Marquis del Moral, the Spanish Chargé d'Affaires at this Court, had applied for a copy of the Standing Orders of the House of Commons for his Government.

*Tuesday, 20th April, 1869.*—I gave evidence before the Committee on the Nottingham Waterworks, on behalf of Mr. Huskinson. The Nottingham Waterworks Company proposed to take the water of the Dover beck, which ran through Mr. Huskinson's land. I gave evidence as to the beauty of the ground before and round Mr. Huskinson's house, its combination of grass land sloping to the south, the fine oak trees, and the trout stream in the valley, and how the proposed chimney and pumping station was put in the most offensive spot, to the injury of the place. The next day the Committee threw out the Bill. The Nottingham Corporation opposed the Bill.

*Wednesday, 21st April, 1869.*—I gave my dinner to the writers of the Commentary, and in the evening Lady Charlotte had a party ; about 750 guests attended. The night

was fine, and two and sometimes three carriages set down at the same time. The police kept order admirably well, and to my surprise there was never any inconvenient crowd in the rooms.

On the evening of Thursday, 13th May, as the House was about to break up for the Whitsun holidays, notice was taken that Mr. Lowe, the Chancellor of the Exchequer, proposed to do away with the exemption of brood mares from taxation.

I knew what the effect of proposing a tax on brood mares would be, and I wrote to Mr. Lowe to express my regret and my disapproval, and I asked him to put me into communication with some one in his department about it. He put me into communication with Mr. Stevenson, Chairman of the Inland Revenue. The moment I got to Ossington I wrote to Mr. Stevenson. We had some correspondence. I thought he made a poor defence for his case. On Wednesday, 26th, the Derby was run for. It was a day of pouring rain at Ossington. I sat at home and wrote letters to Mr. Lowe, Mr. Gladstone, Mr. Glyn, Mr. Brand, and twelve or fourteen other M.P.'s, giving my reasons for objecting to the tax. I wrote also to Mr. Welby, who had started the objection in the House of Commons, saying how entirely I agreed with him.

On coming to town on Thursday, 27th, on which day the House met, I received a note from Mr. Lowe to say that "after reading the correspondence he had arrived at the conclusion that the exemption of brood mares was quite indefensible".

The House met at four o'clock. Mr. Glyn came to me and said he thought it would be all right about brood mares. I said: "How so? Here is a letter from Mr. Lowe saying that the exemption would be quite indefensible." "What was the date of that letter?" "26th May." "Ah," said Glyn, "but all your letters have only come in by this morning's post. I have been to Mr. Gladstone about it. Yesterday at Epsom I was almost pulled to pieces by people on the course—Lord Zetland, Lord Portsmouth, Lord Falmouth.

Gladstone asked me whether we could carry it. I told him no. He said: "Lowe must give it up". Accordingly, at a quarter-past four o'clock, Mr. Lowe said, from the representations which had been made, he did not intend to proceed with the tax on brood mares.

*5th June, 1869.*—Great meeting of peers at the Duke of Marlborough's. Lord Derby urges upon the Peers to throw out the Irish Church Bill on the second reading. Lord Cairns presses the same advice. Advice favourably received. Lord Salisbury and Lord Carnarvon against this violent course. A general impression created that the Peers would try, and probably would succeed, in throwing out the Bill.

*Monday, 7th June, 1869.*—Lord Devon pronounces in House of Lords in favour of reading the Bill a second time. The courage of the Lords much oozed out.

Mr. Glyn thought the opposition in the Lords would

be successful. He went on a calculation of names and members. I went on the manifest madness of the course proposed by Lord Derby, and I made a bet with him of 6d. that the Bill would pass the second reading. On Friday night, 18th June, the second reading carried by a majority of thirty-three. This was accomplished by above thirty Conservatives voting with the Government, and about an equal number refraining from voting altogether. The Bishop of St. David's made an admirable speech in favour of the second reading, as did Lord Salisbury. The Bishop of Peterborough made a brilliant speech against the Bill.

*Thursday, 24th June, 1869.*—I attended the Committee which is sitting to consider the question of the House of Commons having power to administer oaths. As an instance of the sort of feeling which used to prevail between the two Houses, I mentioned the case of messages between the two Houses. In 1772, Mr. Burke's complaint that he had been kept for three hours waiting at the door of the House of Lords to carry up a Bill. And of the House of Common kicking a Corn Bill out of the House because the Lords had ventured to touch a tax by inserting the words, "That no bounty should be paid on exported corn".

*1st July, 1869.*—On the motion to go into supply, a call was made on the Government to take upon themselves the prosecution of the partners of the house of Overend and Gurney. Many people were very hot upon it. The House became very excited. Reason spoke here and there, but

passion ran headlong against the Gurneys. The storm was loud and fierce. Mr. Gladstone got up late in the debate. He reasoned calmly and soundly, but with no great effect. He then made a passionate appeal; contrasted these rich sufferers with the thousands who in various ways fell into ruin unheeded; spoke of an age too greedy of gain, who, neglecting patient industry and toil, must be made rich in a moment. He turned the tide, running in full flood, carried the House entirely with him, and silenced all opposition. I never remember to have seen so great an effect produced by a speech.

I wrote a note to Lord Granville telling him of what had taken place; that the speech was so ill reported in the newspapers that he could never have made out the truth from them.

" 16 BRUTON STREET, LONDON, W.,

" 6th July, 1869.

" MY DEAR SPEAKER,

" It was very good-natured of you to tell me of Gladstone's success. Your letter appeared to me to be in itself so eloquent a description of the power of a speech, and its effect upon an assembly which you know so well, that I could not resist showing it to him in person. He was as much pleased as a girl of seventeen (or rather a woman of thirty-nine, who likes them still better) with a compliment, and spoke very feelingly of kindness which at different times you had shown him.

" Yours sincerely,

" GRANVILLE."

"I have told him that he may reckon on having the Irish Church Bill on or before Tuesday the 15th."

Colonel French moved the adjournment of the House, at its evening meeting, to make a complaint that the members of the House of Commons had not been invited to the review of the Household Brigade in Windsor Park. Sir R. Anstruther spoke after him, and made great complaints of neglect and want of courtesy to members. He went on to complain about the escort having been too late for the Pasha ; that there was nothing to wonder about at this considering the management of the Household. He made a violent speech in matter as well as in manner. It seems the Duke of Cambridge was hurt and annoyed at this, and sent a message through Prince Edward, complaining of the language used towards the Horse Guards. G. Foster also tried to see Sir R. Anstruther. Sir R. Anstruther was nettled about this, and considered it an invasion of his privilege as an M.P. He said : " Any further communication from the Horse Guards must be in writing ". He then came to me in the House of Commons and asked if he could have a few minutes of my time. I heard his story. I then in turn took up my parable, and asked permission to tell him what several members had said to me about his speech, and, indeed, what I thought about it myself. That it was in every way unbecoming ; that nothing could be more undignified than for a member to come to the House whining and complaining that he had not had a ticket given him for the review ; that nothing during the whole session had hurt me

more than the remarks he had made. As to twisting a communication through a common friend into a question of privilege, it would be a most unwise attempt, etc. Sir R. Anstruther left me, somewhat surprised at the reception he had met with. One effect, that he condescended to go to the Horse Guards and to see Sir Hope Grant, with whom he had a satisfactory conversation. This he came and told me, and he had recovered his equanimity.

I wrote a letter to Sir Hope Grant to tell him what had passed between Sir R. Anstruther and myself, and the sort of expressions I had made use of about his speech. Sir Hope showed this to the Duke of Cambridge, who was delighted, and quite overwhelmed with gratitude. He wrote me a letter of profound thanks the next day.

*Thursday, 15th July, 1869.*—In considering the Lords amendments, Mr. Gladstone, in moving that the House do disagree with the first amendment of the Lords, made a full speech on the subject of it. Mr. Cross asked whether we must consider the entire amendment, or whether it could be moved to divide the paragraph into two. I answered such an amendment might be moved.

Mr. Gladstone had no objection to permit the change. So the original motion to consider the whole amendment was withdrawn. The first half was considered and disagreed with. Then Mr. Gladstone moved: "That the House do disagree with the second half". A debate ensued. Mr. Gladstone rose to make a speech. Mr. Hardy rose to order; Mr. Gladstone had made a motion,

and could not therefore now make a speech. I admitted the point of order, and said Mr. Gladstone, in making the motion, had exhausted his powers. There was no dissent. There was much dissatisfaction that Mr. Hardy should have raised the point.

Some thought it was just the same as if a man touched his hat, or moved an Order of the day. But not so. In the case of an Order of the day, the House had ordered the Bill to be considered that day. To set it in motion is fulfilling the order of the House. No motion can be made, but the motion: "That this Bill be now read a second time". That in the case of a Lords amendment three or four motions might be made: To agree, to disagree, to agree with an amendment, to postpone.

Mr. Gladstone told me afterwards he admitted the distinction, and quite agreed with the judgment.

*Monday, 19th July, 1869.*—The Lords entered on the consideration of the amendments made by the Commons to their amendments of the Irish Church Bill in an angry spirit. They restored their amendment on the preamble by a large majority—about seventy.

Lord Granville moved the adjournment of the debate till Thursday the 22nd. Mr. Glyn despaired. I never did altogether despair. On Wednesday morning, as I rode up Constitution Hill, I met Mr. Bruce. I asked him if he was in a hurry; he said he was going to a Cabinet. I turned and rode with him for a few hundred yards, and expressed a strong opinion that the differences between

the two Houses should be accommodated. The main points were settled. It would never do to break off on the comparatively trifling points which still remained.

Mr. Bruce mentioned my strong opinion to the Cabinet, and told me afterwards it had helped to bring about the amicable solution of the question which ultimately took place. Lord Cairns and Lord Granville met together and agreed on terms of compromise. On Friday, 23rd, the House of Commons confirmed these terms, and so the Bill was passed.

*6th August, 1869.*—The last ten days have been days of severe labour, and of very late hours.

On Thursday, 29th July, House met at a quarter to four o'clock, and sat till a quarter to four next day. On Friday, 30th, House met at two o'clock, and, with the interval between morning and evening sittings, sat till half-past three o'clock. The House met again on Saturday, 31st, at twelve, and sat till four o'clock. Again, Monday, 2nd August, House sat till between two and three o'clock. On Tuesday, 3rd August, the same, and all Wednesday from twelve to six o'clock. On Thursday, 5th, from quarter to four o'clock to half-past three in the morning.

*December, 1869.*—Mr. Gladstone offered the Deanery of Ely to my chaplain, Mr. C. Merivale, who accepted it. Numerous candidates presented themselves for the vacant post of chaplain. From the number I decided to select Mr. H. White, of the Chapel Royal, Savoy. I had heard

very favourable accounts of Mr. White, but I had never seen him. He had very strong recommendations from the Lord Chancellor, Mr. Goschen, Mr. Childers, Mr. Cardwell, Sir George Grey, Lord Dufferin, Mr. Sclater Booth, Colonel Wilson Patten. After I had made the appointment, Mr. Gladstone wrote to me :—

“HAWARDEN CASTLE,

“29th November, 1869.

•  
“MY DEAR MR. SPEAKER,

“I congratulate you on the choice you have made of a chaplain, after the robbing I had perpetrated upon you. Mr. White is one of two men who had occurred to me (I suppose from the force of habit) as perhaps the fittest for this peculiar office.”

1870.—We came up to London on Saturday, 5th. The weather was rainy and warm. On the evening of Tuesday, 8th, the wind turned to north-east, and frost began. On Wednesday it became more severe. I telegraphed to stop my saddle-horses coming up. Then followed six days of the most bitter cold, with extremely high north-east wind. The Thames was soon covered with masses of ice floating up and down with the tide. On Saturday the steamboats ceased plying on the river. This weather lasted for a fortnight.

*Parliament met 8th February, 1870.*—Mr. Bright very unwell—A return of the dizziness and confusion of the head. Indications of paralysis of one leg. Mr. Bright moved to Norwood.

New writ, among others, for Mallow, in the room of Mr. Sullivan, Master of the Rolls, Ireland. I wrote to him to express my regret, and that of the House in general, at his absence from among us. I said : Perhaps he had done enough for one man in the large share he had had in carrying to a successful issue the great measure of last year. He wrote in answer :—

“ 32 FITZWILLIAM PLACE, DUBLIN,

“ 13th February, 1870.

“ MY DEAR MR. SPEAKER,

“ I cannot sufficiently express my obligations to you for your most kind letter ; I assure you I shall always regard it as one of the most gratifying memorials of my connection with the House of Commons. It is no small thing to have earned such commendation at your hands, which I most deeply appreciate. I left the House with much regret, but the critical state of my health compelled me to go. I shall ever remember with pleasure your unvarying kindness and courtesy towards me on all occasions, and I sincerely reciprocate your kind good wishes. Again thanking you,

“ Believe me,

“ My dear Mr. Speaker,

“ Yours very sincerely,

“ G. SULLIVAN.”

*Tuesday, 1st March, 1870.*—Mr. Torrens moved a resolution that the public distress should be relieved by emigration, assisted by the State. Moved by a Liberal,

seconded by a Conservative. The Metropolitan members committed to the plan; weak-headed philanthropists caught by the proposal. The stream ran hard against the Government. The flock was squandered and divided; the wolves stood round waiting for their prey. Mr. Gladstone got up and made a capital speech, shamed away the wolves, drew together the scattered sheep—who in the end would not hear Mr. Torrens' reply, but went bleating into their fold—with a large majority.

A change has been made in the arrangements of the House which has conduced much to the convenience of members. The lobby up to the door of the House was open to strangers, and continually crowded by them, so that members could not get to the vote office, or to the refreshment rooms, or to and from the House, without being pressed upon and thronged, not only by constituents, but by members of deputations and strangers, to their excessive inconvenience. I arranged with the Sergeant-at-arms that this first lobby should be kept free of strangers, for the use of members. Strangers to remain in the large centre hall, sending in cards or messages to members.

Mr. Saunderson of Cavan, speaking on the Peace Preservation Ireland Bill, spoke of *life* and *property* as things which most people thought desirable. Of an Irish newspaper which wrote: "Having no news or anything remarkable to announce to-day, I shall only put forth a *supplement*". That he had himself received a threatening letter to tell him to beware of balls, spelt "bawls".

*Friday, 11th March, 1870.*—Division on the Irish Land Bill: Ayes, 442; Noes, 11. It was foreseen that the majority would be too large to be crowded into one Lobby, so I settled with the Sergeant, that as soon as the Noes had got out of the House, the door of the Lobby of the Ayes should be opened, and the stream should be allowed to flow, but should be turned into the large Centre Lobby in the first instance. This plan answered perfectly, and prevented all crowding and excessive pressure in the Division Lobby.

*Thursday, 24th March, 1870.*—The House remained in Committee till one o'clock in the morning. I went to bed at half-past one, but my nerves were upset and I could not sleep; I got up five or six times and walked about, but I never closed my eyes all night. I sent for Mr. Covey in the morning, who said it was an attack of nerves; it would pass away, but I must try to get some early sleep the next night.

*Friday, 25th March, 1870.*—The House met at two o'clock for a morning sitting and sat till seven in Committee. I rode for two hours, from eleven to one o'clock. I ate a light dinner and went to the House at nine o'clock, postponed Orders of the day and finished off business, except the Peace Preservation Bill. I asked Sir Erskine May to announce that I was indisposed, and I settled with Mr. Dodson that he should take the Chair and adjourn the House for me. He did so. No inconvenience arose to

any one, but the relief to me was very great ; I got to bed and to sleep about eleven o'clock, and had a good night, which quite restored my powers. I was able to take the Chair on Saturday for a morning sitting at twelve to five o'clock, which I could not otherwise have done if I had again sat up on the Friday night till half-past one o'clock. This sitting up merely to adjourn the House and to put out the lights is not only useless as a matter of business, but it really impedes business, knocks up the Speaker, and renders him inefficient for the following day. This liberty of withdrawing when the House is going to pass the whole night in Committee, and when there are no contested Orders of the day, ought to be more frequently allowed to the Speaker.

*Thursday Evening, 31st March, 1870.*—Mr. Gladstone, in answer to a question relating to the condition of business, and the prospect of the different Bills before the House, proposed a morning sitting for the next day, Friday, 1st April, and for Tuesday and Friday in next week. Mr. Disraeli did not agree. He objected to so large an abstraction of time from private members. Mr. Bentinck made a motion : That the House at its rising do adjourn. He intended to add : To a quarter before four o'clock tomorrow. Thus to make a morning sitting impossible. Ultimately Sir J. Elphinstone made this motion ; I said it was irregular and, I thought, unprecedented, but I should not decline to put the motion.

Mr. Disraeli recommended Sir. J. Elphinstone to with-

draw his amendment, which he did. The case was a peculiar one. Mr. Gladstone was going at the close of the evening, without notice, to give a morning sitting. The Opposition, objected, and on their side proposed, without notice, to make a counter motion, that the House should not meet till a quarter before four o'clock. Should I have been justified to refuse to put the motion? Sir E. May says he thinks not. That I did all that was suitable to the occasion, in stating that the course was irregular. With regard to notice, it is not possible for the Minister, in the case of ordinary Bills, to say, till the close of the evening, when the Committee should sit again. Suppose the Bill is gone through, the occasion does not arise.

*Saturday, 14th May, 1870.*—Having been kept up till two o'clock in the morning on Thursday and Friday sittings, I got up at eight, set off in a cab at half-past nine, left King's Cross at ten, and reached Nottingham by way of Grantham at five minutes past one. I drove in a hansom to Wollaton, to try a horse of Mr. Wright's, agent to Lord Middleton. I rode through Wollaton Park, drove back to Nottingham, dined at George IV., left Nottingham at five, and reached London at ten minutes past eight, I must say with very little fatigue.

*Wednesday, 18th May, 1870.*—I dined at the Inner Temple, to open the New Hall. The Prince of Wales and Prince Christian were present, and a large company—peers, bishops, judges, etc.

*Thursday, 9th June, 1870.*—Mr. Gregory moved a clause about horses employed in carting materials for mending parish roads. I thought the course proposed by Mr. Lowe most foolish and unjust, compelling farmers to take out a license for a horse employed in carting materials for the repair of parish roads, hired by the overseer to do so.

Mr. Gregory moved his amendment after Mr. Welby had spoken, and Mr. Lowe and Mr. Disraeli. I got up to speak in the Committee. A division ensued. Mr. Gregory's amendment was carried by four. Fifteen Liberal members voted in the majority. Many members of the Government were absent, and a circular was sent round in severe terms of castigation.

After the division was over, Mr. Maclagan told me an important deputation had come from Scotland that morning to wait upon the Chancellor of the Exchequer on some point in the same Bill. Leading bankers, railway directors, and others. They were accompanied by several Scotch M.P.'s. Mr. Lowe treated them in such a manner—incivility was too weak a word—with such insolence that they were greatly offended. The M.P.'s showed their sense of this by voting with me against Mr. Lowe.

*Wednesday, 15th June, 1870.*—On the second reading of Mr. Hardcastle's Bill, the following proceedings are recorded :—

Representation of the People Acts Amendment Bill—  
Order for second reading read—Motion made and question proposed : " That the Bill be now read a second time "—  
Whereupon previous question put : " That the question be

now put" (Mr. Collins)—The House divided: Ayes, 181; Noes, 181—Main question put: Ayes, 175; Noes, 183. This change was caused by several of the Ayes being near the door running off as soon as the door had been opened, and singularly enough it turned out afterwards that there never had been a tie. The Noes really were 182 on the first division.

I went to Oxford on Wednesday, 22nd June, 1870. There was a special train from Paddington at a quarter before nine, which carried us to Oxford by a quarter-past ten. I went first to the Dean of Christ Church. There I was fitted out with a Doctor's scarlet gown, hired for the day for £1 1s. Then to All Souls, of which the Vice-Chancellor was the head. From All Souls we all walked in procession to the schools, the Chancellor, Lord Salisbury, leading the way in his robes, his two little sons, quite small boys, in velvet coats and pendant gold buttons, acting as his trainbearers. We who were to be made Doctors waited outside in one of the schools till the degrees had been granted. We then were all summoned into the theatre, and stood in the pit in a long line, facing the Chancellor, who sat on his throne. The public orator made his address in Latin, on presenting each in turn to the Chancellor. Then the Chancellor rose, and addressed each in Latin: "Vir dignissime," etc. I did not remember anything that the orator said of me, nor did I remember anything that the Chancellor said, except the parody he made on the description given by Tacitus of the Emperor Galba: "Concessu omnium capax imperii, nisi imperavit".

To me he said : " Concessu omnium capax imperii, quamvis imperisti ". A luncheon at All Souls ; returned to town ; left five o'clock train ; London seven o'clock. The two persons particularly applauded were Mr. R. Lowe and Mr. Liddon.

Mr. Bryce, at the request of the Dean of Christ Church, sent me the short speech by which he presented me to the Chancellor.

*Saturday, 18th June, 1870.*—On Clergy Disabilities Removal Bill—Mr. Hibbert. A small minority contested with a majority, making continual motions, alternating, " That the debate be now adjourned," " The House do now adjourn ". This was repeated eight or nine times, the minority about twenty-four to sixty-six. This went on till four in the morning. Then most of the minority, having moved or seconded motions for adjournment, they gave in. I said that any one who had moved or seconded a motion for adjournment could not do so a second time. A day or two after the minority thought they had been oppressed, and that their power had been unduly curtailed. Mr. Lowther brought me some evidence of Lord Eversley's before the Select Committee on Public Business, 1854, Qn. 579, when Lord Eversley seemed to admit that *two* men might stop public business by alternating motions for the adjournment of the debate and the adjournment of the House. Also evidence of Lord Eversley's, 1848, before Select Committee on Public Business, Qn. 58, to the same effect.

Also Hansard, p. 1839, 12th July, 1860—Peace Preservation Ireland Bill—when it seemed that Mr. Maguire had been allowed to move adjournments two or three times.

I talked to Lord Eversley on the point, and showed him his evidence. He said: Great abuses prevailed in practice when he began his career. He does not doubt that *two* men were allowed at that time to make motions alternately. But he thinks the rule was made more stringent before the end of his time. Old Mr. Ley used to say: "What does it signify about precedents? The House can do what it likes. Who can stop it?" In Sir E. May's book: "I have held more than once, that a man who rises in a debate, and moves the adjournment of the House or of the debate, speaks on the main question, and, having spoken, he cannot speak again". Lord Eversley entirely concurred in this view; he thought it was quite right, and he strongly urged me to take that ground, and to stand upon it.

With regard to the precedent of the Peace Preservation, 1860, I feel sure it was one of these cases when order is not very closely watched. If it had been, Mr. Maguire could never have been allowed to act as he did, for he not only moved the adjournment several times, but on each occasion he made speeches. Three or four speeches were certainly out of order.

13th July, 1870.—The Victoria Thames Embankment opened by the Prince of Wales and the Princess Louise. One of the prettiest gala sights from the upper windows of our house that I ever saw. On Wednesday the House met at two instead of twelve for the ceremony.

War between France and Prussia, 15th July.

[The following letters are printed as bearing on the subject referred to in the correspondence between the Speaker and the Dean of St. Paul's in 1866, pp. 203 *et seq.*]

"OSSINGTON,

" 5th December, 1870.

" MY DEAR MR. GLADSTONE,

" I have had under consideration the place soon to become vacant at the Table of the House of Commons and of the best person to fill it. Sir E. May has been with me on his way from Yorkshire, with all the necessary information as to the services and the qualifications of the various candidates. Without troubling you with details, it seems to me that the interests of Commons will be best consulted, and that full justice will be done to the establishment connected with it, if, in due time, I should recommend to your notice Mr. A. Milman, son of the late Dean of St. Paul's. But before taking any formal step in the matter, I write this private letter to you in case you should have anything to say, or to suggest to me, on the subject. Mr. A. Milman would fairly hold his balance in the scale with any competitor. I think you will agree with me that, in such case, the great abilities and the distinguished services of the father justly force themselves on our consideration.

" Yours,

" J. E. D."

Mr. Gladstone wrote, 16th December, 1870:—

“You have given me so much invitation as almost to make it my duty not to withhold from your knowledge the name of any one whom I might consider to be eminently fit—such a person, I am inclined to think you would find in ——. . . . That I have no selfish interest in naming him you will readily believe. . . . He entered the public service in —, and he has since had a large and varied experience in important private secretaryships. I think his qualifications in all respects of a very high order.

“You will, however, consider this not as a request, but as testimony—at least, if it be a request at all, it is only a request that, should your will be free, you will make —’s qualifications matter of inquiry.

“Sincerely yours,

“W. E. GLADSTONE.”

“OSSINGTON,

“19th December, 1870.

“MY DEAR MR. GLADSTONE,

“Your letter has caused me some anxiety. I thank you for the friendly and considerate terms in which it is couched. I will, in answer, set before you the view I have taken of my duty in the matter, and the manner in which I have attempted to discharge it. The Speaker is responsible for recommending to the Minister a man well fitted for the post. It is not, I admit, indispensably necessary that the man should belong to the staff of the House of Commons. There may be good grounds for making an exception. But considering the peculiar nature

of the business, a previous training in the offices of the House of Commons is most valuable: a want of that training is a serious disqualification.

"It would seem that this view is generally entertained, for though one or two ex-M.P.'s have offered themselves as candidates, among the numerous letters which have been addressed to me by Lord Russell, Mr. Cardwell and others in favour of one candidate, by Sir S. Northcote and Col. Wilson Patten in favour of another, no one not at present on the staff of the House of Commons has been suggested to me for the post. Ever since I have held the office of Speaker, I have endeavoured to establish a feeling in the staff that merit would meet its just reward.

"Letters which passed between the late Dean of St. Paul's and myself in 1866 will explain to you my feelings on the point.<sup>1</sup> On the retirement of Mr. Smith, Examiner of Petitions, the Dean of St. Paul's had pressed very earnestly that his son should be appointed to the post. I have with great care considered the qualifications and claims of the clerks in the service of the House. There are more than one who would have been worthy of this promotion. I think the selection of Mr. Milman will be acquiesced in, as was the selection of Mr. Palgrave. I do not doubt the merits of —, but with persons so well qualified on the staff, to have passed them all by would, in my opinion, be doing a real injury to the public service.

"Yours, etc.,

"J. E. D."

<sup>1</sup> The letters printed on pp. 203, 204 are here quoted.

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"HAWARDEN CASTLE,

"21st December, 1870.

"MY DEAR MR. SPEAKER,

"The question of selection from within or beyond the Parliamentary establishment is one of which you are the only competent judge, nor do I presume even to form, much less to express, an opposite opinion. I thank you very much for writing in such full detail, and I trust your judgment may be as entirely justified as it was in the case of Mr. Palgrave. It is only by way of an apology, which I feel myself to need, if I say that only the possession by — of rather rare qualifications induced me to place his name before you.

"Yours sincerely,

"W. E. GLADSTONE."

*Session 1871.*

1871.—A very laborious and unsatisfactory session. Early in the session a Committee was appointed to consider the conduct of business in the House—Mr. Lowe the Chairman. A resolution was carried in the Committee to allow on — that the House should resolve itself into a Committee of Supply, without preliminary motions. A resolution was also carried that opposed business should not be entered on after half-past twelve, but the Government, having obtained these resolutions, never submitted them to the House for confirmation until July, and then they altered the main resolution at twelve o'clock one night, and proposed to consider the resolution so altered at a

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morning sitting the following morning. The House resisted this, and the attempts to consider the resolutions were abandoned.

The Bill for the reorganisation of the army created great opposition. In Committee it was fought line by line with extraordinary pertinacity. The whole business of the session was driven into hopeless arrears.

Then succeeded the Ballot Bill or secret Voting Bill. This was fought much after the manner of the Army Bill.

*12th August, 1871.*—Question of Mr. Beresford Hope held to be not in order, trenching too much on the rule that in going into Committee of Supply, votes cannot be discussed which stand for consideration in the Committee. Mr. Hope acquiesced and did not make his motion, though anxious to do so.

On the retirement of Mr. Denison from the office of Speaker, and his elevation to the Peerage as Viscount Ossington, the following vote was passed by the House of Commons :—

“ HOUSE OF COMMONS,

“ *Thursday, 8th February, 1872.*

“ Resolved—*nemine contradicente*—That the thanks of this House be given to Mr. Speaker for his distinguished services in the Chair during a period of nearly fifteen years ; that he be assured that this House fully appreciates the zeal and ability with which he has discharged the duties of his high office through many laborious sessions, and the study, care and firmness with which he has maintained its privileges and dignity ; and that this House feels the strongest sense of his unremitting attention to the constantly increasing business of Parliament, and of his uniform urbanity, which have secured for him the respect and esteem of this House.

“ T. ERSKINE MAY,

“ *Clerk, House of Commons.*”

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